

◇ INSTITUTE ON EDUCATION LAW AND POLICY ◇

**50-STATE REPORT
ON ACCOUNTABILITY, STATE INTERVENTION AND TAKEOVER**

Table of Contents

I.	Overview of State Takeovers	2
II.	Alphabetical Report of the 31 States with Takeover or Reconstitution Provisions	9
III.	Alphabetical Report of the 19 States without Takeover or Reconstitution Provisions	51

OVERVIEW OF STATE TAKEOVERS

Presently, 24 states have enacted policies that allow them to take over a school district due to academic problems within the school district. Many state policies provide a succession of sanctions for academic problems within a school district, with takeovers as the ultimate sanction. Other state policies target a single troubled school district for an immediate state takeover.

In addition to academic problems within a school district, states also take over school districts due to fiscal mismanagement, inept administration, corrupt governance and crumbling infrastructure within the school district.

In a state takeover of a school district, either the state board of education or a federal court charges the state department of education or another designated entity with managing a school district, usually for a certain amount of time, such as five years. Most state takeovers do not happen without the state department of education thoroughly documenting a school district's problems.

The level of state control and local influence in takeovers varies from state to state. In some cases, such as New Jersey, state officials relieve school board members and high-level administrators of their duties and appoint others to manage the school district in their place. In other cases, such as West Virginia, school board members and high-administrators remain in place as an advisory group. School districts officials advise state-appointed decision-makers on fiscal and budgetary matters, but still make curricular and instructional decisions. In other instances, such as Boston, Chicago, Cleveland and Detroit, the state places governance authority over the school district in the hands of a city's mayor.

Some states have broadened the takeover notion to allow state takeovers of school base on academic problems within a school. In total, 15 states have enacted policies that allow them to take over a school due to academic problems with a school.

Pros of State takeovers:

1. Are a necessary extension of a state's constitutional responsibilities
2. Provide a good opportunity for state and local decision-makers to combine resources and knowledge to improve children's learning
3. Allow a competent executive staff to guide an uninterrupted and effective implementation of school improvement efforts
4. Are a catalyst for creating the right environment for the community to address a school district's problems
5. Allow for more radical, and necessary, changes in low-performing school districts
6. Place school boards on notice that personal agendas, nepotism and public bickering have severe consequences
7. Use achievement data collected from school districts and schools to bolster accountability efforts.

Cons of State Takeovers:

1. Represent a thinly veiled attempt to reduce local control over schools and increase state authority over school districts
2. Imply that the community has the problems and the state has the answers, and thus falsely assume that states have the ability to effectively run school districts
3. Place poorly prepared state-selected officials in charge, with little possibility of any meaningful change occurring in the classroom
4. Use narrow learning measures (i.e., standardized test scores) as the primary criterion for takeover decisions
5. Usually focus on cleaning up petty corruption and incompetent administration and do not go to the root of the social problems facing disadvantaged students in urban school districts
6. Foster negative connotations and impressions that hinder the self-esteem of school board members, administrators, teachers, students and parents
7. Produce showdowns between state and local officials that slow the overhaul of management practices, drain resources from educational reforms and reinforce community resentments.

Effects of State Takeovers:

There is very little research on the effects of state takeovers. For the most part, they seem to be yielding more gains in central office activities than in classroom instructional practices. As evidence, state takeovers are credited with the following:

1. Eliminating nepotism within a school decision-making process
2. Improving a school district's administrative and financial management practices
3. Removing the threat of teachers' strikes with a school district
4. Upgrading the physical condition of schools within a school district
5. Implementing innovative programs within a school district, such as small schools programs and cooperative arrangements between schools and social service agencies

However, student achievement oftentimes falls short of expectations after a state takeover.

States with Provisions allowing them to take over school district:

1. Alabama
2. Arkansas
3. California
4. Connecticut
5. Illinois
6. Iowa
7. Kentucky
8. Maryland
9. Massachusetts

10. Michigan
11. Mississippi
12. Missouri
13. New Jersey
14. New Mexico
15. New York
16. North Carolina
17. Ohio
18. Oklahoma
19. Pennsylvania
20. Rhode Island
21. South Carolina
22. Tennessee
23. Texas
24. West Virginia

States with provisions allowing them to take over individual schools:

1. Alabama
2. Arkansas
3. California
4. Colorado
5. Georgia
6. Illinois
7. Maryland
8. Michigan
9. Nevada
10. North Carolina
11. Oklahoma
12. Rhode Island
13. South Carolina
14. Texas
15. Vermont

Overview of Reconstitution

A reconstitution involves creating a new philosophy, developing a new curriculum and hiring new staff at a low-performing school. Some states and school districts include other components within this approach as well, such as reducing teacher/student ratios in a low-performing school.

Before a state or school district resorts to such a dramatic action, it usually notifies a poorly performing school of the need for improvement. After a given time period, if the school fails to improve its performance, the state or school district steps in and reconstitutes it. Displaced principles and teachers sometimes may reapply for their old jobs, but they and other candidates have to accept the new philosophy at the school in order to be hired.

Pros of Reconstitution are:

1. Can improve the learning environment for students through changing both administrators and teachers in an ineffective school
2. Bring in a staff eager to take on the challenge of working in chronically unsuccessful schools, and thus give a fresh start to these schools and their students
3. Immediately stop “bad education” from happening to kids in low performing schools
4. Foster a new, student-focused culture in schools where failure was once acceptable
5. Are an indictment of a school’s organization and culture (not its individual staff members)
6. Use achievement data collected from school districts and schools to bolster accountability efforts and redirect instructional practices
7. Are the only remaining solution for schools that face problems of crumbling buildings, discouraged employees and alienated students.

Cons of Reconstitution:

1. Are implemented with a set of inconsistently enforced standards
2. Too often focus on “bad people” instead of “bad practices”, and thus are a simplistic response to a complicated problem
3. Stigmatize and demoralize everybody in a school, including those who are doing a good job
4. Place a new principal and a mostly new teaching force into a difficult situation
5. Discriminate against poor and minority children by failing to take into account the challenges of their communities
6. Undermine reform efforts already under way
7. Will not make a difference unless the ineffective school’s instructional approach is changes as well.

Very little evidence exists of the effects of reconstitution. The anecdotal evidence that is available has shown reconstitution to be effective in bringing stability to schools or school district, but has been shown to result necessarily in academic progress.

Presently, 19 states have enacted policies that allow them to reconstitute schools.

States' Accountability Systems

Most states have created “performance-based accountability systems”, which is the systematic approach of combining standards, assessments and accountability into a unified set of laws and regulations. Not all states have codified their accountability systems into statutes or regulations. The following is a profile of the contents of each state’s accountability laws.

1. Takeover provisions
2. Reconstitution provisions
3. Standards: Content or performance standards are written to provide clear expectations of what students must know and be able to do in designated subject areas at specific grade levels.
4. Assessments the measure how successful students are in meeting the standards.
5. Multiple indicators: An indicator measures either directly or indirectly the effect of a particular element on student achievement. Indicators include, for example, school or district “report cards,” attendance and dropout rates, demographics and expenditures.
6. Rewards: A reward is granted to a teacher, school or district when student achievement exceeds the established standards or previously reported outcomes.

Rating Schools and School Districts Reporting, Rewarding and Sanctioning Schools and Districts

By Kathy Christie and Todd Ziebarth

The majority of states require that schools or districts compile “report cards” based on data such as dropout rates, per-pupil spending, teacher qualifications, enrollment, etc., but an increasing number of states have taken public reporting to another level. Although traditional “report cards” to the public typically have cited a good deal of data, the reader has had little indication of “in comparison to what?” That type of comparison can be valuable because it addresses how schools/districts compare against a standard or against similar institutions.

State systems for determining the “in comparison to what” vary. Some assign schools/districts to categories based on letter grades or a scale of 1-10; others designate quality as part of the accreditation process or specify a descriptive term such as “exemplary.” Some states use formulas that assign schools and/or district a numerical value to indicate how well they are performing along a continuum. Others set an absolute standard against which all districts are measured (i.e., 90% of students passing each subject area). Still others measure growth or improvement over time and use that level of improvement as a component for determining overall performance. A number of states use a combination of methods.

No matter how they do it, all of the states with rankings make available an explicit judgment about school and/or district performance that is based at least in part on student achievement. Some states use complex formulas to determine performance, while others use simpler sets of indicators. However complex, the two components always present among these systems are the use of student assessment results and public reporting of performance.

Facts about school reporting:

- Twenty-seven states publicly categorize or rank schools/districts.
- Of those 27 states, 21 assign schools and/or districts to categories (accreditation levels, numerical references, descriptive terms or grades).

Alabama
Alaska
Colorado
Delaware
Florida
Georgia
Indiana
Kansas
Louisiana*
Maryland*
Massachusetts
Michigan
Mississippi
Missouri
Nevada
North Carolina
Ohio
South Carolina
Texas
Virginia
West Virginia

*State sets categories but uses an index to do so.

- Six of the 27 states use an index approach by which school and/or district performance is measured according to a complex formula and assigned a composite number that reflects performance.

California*
Connecticut
Kentucky
New Mexico
Oklahoma
Wisconsin

- Three states (California, Louisiana and Maryland) use both an index and categories.

Rewards and Sanctions

Measuring and publicizing results are only part of the education improvement process. State policymakers increasingly are focusing their attention on how to reward schools and districts that perform well, and how to sanction those that do not.

States reward school districts and schools by providing monetary and nonmonetary rewards. States also sanction school districts and schools. In fact, there are several types of sanctions in place across the states, ranging from a written warning to a district or school to a state takeover of the school or district.

States can reward schools and/or districts, or sanction schools and/or districts on the basis of their performance. There are 38 states that have at least one of those four policies in place. Eight states reward school districts, 20 reward schools, 29 states sanction school districts, and 32 states sanction schools. Three states (Delaware, Oklahoma and Texas) do all four. The approaches vary from state to state.

- **Rewards for school districts.** Six states base rewards on both absolute and improved performance. Connecticut bases rewards on improved performance, and Texas bases them on absolute performance.
- **Rewards for individual schools.** Fifteen states base rewards on both absolute and improved performance. Four states base school rewards on improved performance alone, and one state (Nevada) bases them on absolute performance alone. Six states use monetary rewards, four states use non-monetary rewards, and 10 states use a combination.
- **Sanctions for school districts.** Twenty-nine states sanction school districts on the basis of performance. In 15 states, the state or another entity has to provide technical assistance to a low-performing district; in several other states, assistance may be provided but is not required. Five states must provide a written warning to low-performing districts, and five states have to provide additional funding. Other sanctions can include placing a low-performing district on probation, removing the district's accreditation, withholding funding, reorganizing or taking over a district.
- **Sanctions for schools.** Thirty-two states sanction schools on the basis of performance. In 24 states, the state or another provider must give technical assistance to a low-performing school; several other states allow for such assistance but do not require it. In 27 states, a low-performing school has to create and implement an improvement plan. Other sanctions can include placing a school on probation, removing its accreditation, and withholding funding, reconstituting, staking over or closing the low-performing school.

ALPHABETICAL REPORT OF THE 31 STATES WITH TAKEOVER OR RECONSTITUTION PROVISIONS

The following is a list of the 30 states and their appropriate statutes that allow takeover of school, school districts and/or reconstitution of schools. They are listed together because most states that have reconstitution provisions are among the takeover states:

Alabama: Alabama allows takeover of both school districts and individual schools. Alabama does not have reconstitution provisions.

(Ala. Code § 16-6B-3): Alabama has designed a three-tier education accountability plan. The three levels are:

- a. Student Strategy: At the student level Alabama has developed an assistance program at each school for at-risk students performing below the standards set by the State Board of Education. The local board of education shall budget at least one hundred per student identified as at risk to be spent on tutorial assistance programs including, but not limited to, after-school, Saturday school, or summer school, or any combination of these programs. An additional one hundred dollars is available per at-risk student for additional purposes such as the enforcement of truancy laws, creation of disciplinary schools, and the encouragement of literacy of parents of at-risk children.
- b. School Strategy: The State Board of Education must develop an assistance program for schools identified as a school in need. A school in need is defined as a school, which has a majority of its students scoring one or more grade levels below the prescribed norm on the state, adopted student assessments. The faculty and staff with input from parents must undertake a self-study to assess the problems of low achievement and develop corrective steps to improve student achievement. Local superintendents and local school boards are expected to commit necessary resources, but no specific amount has been designated.

If after two years, student achievement has not improved, the state Superintendent of Education shall designate a team of practicing professionals to visit the school, conduct a study, consult with parents of students in the school, analyze causes of poor student achievement, and make specific recommendations which shall become a part of a school improvement plan for the succeeding year.

If both of the above measures lead to insufficient or no improvement as determined by the State Board of Education, the State Superintendent of Education is required to intervene and to appoint a person or persons to run the day-to-day operation of the school.

- c. School System Strategy: The State Board of Education shall develop an assistance program for a local board of education identified as being in need of assistance. A local board of education in need of assistance shall mean any local

board of education, which has a majority of its schools, or a majority of the students in a system, in which the students are scoring one or more grade levels below the prescribed norm.

As with the school strategy, Alabama's School System Strategy is a three-step process:

1. Self-Study involving local board of education, local superintendent with input from administrators, teachers, staff, parents of students in the school, and the local community resulting in corrective steps for improving student achievement.
2. If no significant improvement results the state superintendent shall develop a system-wide school improvement plan in consultation with teachers, parents of students and the local community. This school improvement plan shall become a part of the local board of education's program and financial operations for the succeeding year.
3. If the above steps do not result in significant improvement of student achievement relative to the previous year's performance, the State Board of Education shall require the State Superintendent of Education to intervene and assume the direct management and day-to-day operation of the local board of education for such period of time as may be necessary for student achievement to improve.
4. Intervention by the State Board of Education is to occur only after the three-year period provided in this chapter during which a school or school system fails to show improvement. So long as improvement is being shown, the State Board of Education shall not intervene but shall continue to encourage the school to improve.

Alabama's pros/cons:

The state is seemingly giving local schools and school boards ample opportunity to improve their achievement levels. Furthermore, the statute also clearly sets out targets of achievement that must be met in order to prevent both school takeover and school system takeover. Thus at risk schools and school districts should be aware of their prospects of takeover. Such a plan guards against hasty or political decisions by a state.

Unfortunately, however there does not seem to be adequate funding for the state's plan. At the student level one hundred dollars per at risk student does not seem adequate to address a students' academic underachievement thoroughly. At both the school level and school system level the statute fails to commit specific amounts of money that would seem necessary. The statute is ambiguous as to the financial resources the state is willing to commit to either the in-house improvement plans or the takeover provisions.

By virtue of coming together as a community to address achievement problems of schools and school systems, the statute can have a positive affect and even achieve certain successes. However, without the necessary financial resources significant or long-term improvement is doubtful.

Since the enactment of the above accountability statute Alabama has taken over four school districts, but in each case they have done so for financial problems not academic ones. Nevertheless, Alabama has had six schools taken-over since 1999.

Highlight: Alabama allows takeover for both individual schools and school districts.

Arkansas: Arkansas allows for both takeover of school districts and individual schools. In addition Arkansas has provisions allowing them to reconstitute individual schools.

Ark. Stat. Ann. (§6-15-403 & §6-15-421)

Statute Summary: The statute (§6-15-403 *Authority of State Board of Education*) broadly establishes the authority of the State Board of Education through the Department of Education to develop testing, assessment, and accountability programs. The purpose of the statute is to use the most current and effective testing, evaluation, and assessment research information in order to set and maintain high academic and professional standards. Most importantly the statute allows the State Board of Education to promulgate rules and regulations in order to create a comprehensive accountability programs, which includes rewards and sanctions.

Statute Summary: This statute (§6-15-421 *Awards and Sanctions*) authorizes the Department of Education to reward individual schools that demonstrate exceptional performance in levels of student achievement and to recognize schools that demonstrate significant improvement in student achievement. Schools that don't meet the state-mandated indicators shall be classified by level of sanctions. Each level of sanction shall determine specific interventions to be provided to the school by the department.

Arkansas is expanding from an accountability system, which is primarily district-based to one that focuses on the school site as the unit of change and uses multiple measures.

Arkansas has developed an Academic **Distress System**:

The school accountability system is three-tiered and holds schools accountable for outcomes (test scores/academic performance), as well as process/non-academic indicators such as: drop out rate, daily attendance, classes taught by a licensed teacher, professional development, and school safety.

Statute Summary § 6-20-1606. School improvement plan

Those school districts identified by the Department of Education as being in academic or fiscal distress shall be classified as Phase I school districts. A district classified as a Phase I school district shall develop and file with the department a school improvement plan to address any areas in which the school district is experiencing academic or fiscal distress as identified by the department.

Statute Summary (§ 6-20-1607). *Classification of school districts in distress:*

During the 1997-1998 school year and each school year thereafter, only those districts classified as Phase II districts by the Director of the Department of Education shall be required to receive on-site technical assistance by a team of educators assigned by the department to work directly with the districts.

During the first six (6) months of the school year in which a district is classified as a Phase II district, the department team shall evaluate and make recommendations to the district superintendent regarding the staffing of the district and concerning fiscal or academic policies or practices of the district if necessary to address the fiscal or academic distress of the district as defined by the department.

Since the recommendations are binding, they in effect act as a reconstitution. The recommendations of the department shall be binding on the district, the superintendent, and the school board; provided, however, that it shall be the duty of the district to follow all Arkansas laws.

A district classified as a Phase II school district that fails to follow recommendations of the department shall be immediately classified as a Phase III school district.

To avoid sanctions, each school is expected to achieve annually a minimum percentage of its total possible points given for the accountability indicators described within the three-tiered system. Failure to do so will result in the following designations:

- a. high priority status-first year
- b. alert status-second year
- c. low performing status-third year
- d. academic distress phase I status-fourth year
- e. Additional designations are Academic Distress

The Arkansas Department of Education reserves the right, for any school in any of the designations above, to mandate a specified intensive intervention plan which could include, but not be limited to, specific one-year goals in curriculum, instruction, assessment, and professional development. This plan could also include a mandated summer school program for students performing below grade level.

Finally, as part of the state's accreditation process, each school is required to engage in the development and implementation of a school improvement plan based on priorities indicated by student assessment and other pertinent data.

California: Has provisions allowing the state to take over both school districts and individual schools. California also has provisions allowing it to reconstitute individual schools.

Statute Summary: (§52055.5) A school that does not meet its performance goals within 24 months after receipt of funding pursuant to Section 52054.5 and has failed to show significant growth, as determined by the State Board of Education, shall be deemed a low-performing school. Notwithstanding any other provision of law, the Superintendent of Public Instruction shall assume all the legal rights, duties, and powers of the governing board with respect to that school. The Superintendent of Public Instruction, in consultation with the State Board of Education and the governing board of the school district, shall reassign the principal of that school subject to the findings in subdivision (e). In addition to reassigning the principal, the Superintendent of Public Instruction, in consultation with the State Board of Education, shall, notwithstanding any other provision of law, do at least one of the following:

The statute allows for an array of options for the Superintendent, I've included the most pertinent:

- a. Allow parents apply directly to the State Board of Education for the establishment of a charter schools at the existing schoolsite or at another site.
- b. Close the school
- c. Reorganize the school
- d. Waive attendance policies to allow pupils to attend any other public school that have space available.
- e. Under the supervision of the Superintendent of Public Instruction, assign the management of the school to a college, university, county, office of education, or other appropriate educational institution. However, the Superintendent of Public Instruction may not assume the management of the school.
- f. Reassign other certified employees
- g. Renegotiate a new collective bargaining agreement

As of now accountability is focused at the school level and formal accountability processes, sanctions and rewards have not been developed for districts.

Chapter 455 (Assembly Bill No. 33) Compton Unified School District:

The “**Compton Unified School District**” is governed by Chapter 455 (Assembly Bill No. 33). Due to the continuing low performance of the Compton Unified School District this bill calls for an appointment by the Superintendent of Public Instruction of an administrator who would exercise the powers and responsibilities of the governing board of the school district.

Existing law requires the administrator appointed for the Compton Unified School District to report to the Legislature by January 1, 1994, on the implementation of the recommendations contained in the “Report of Priority Corrective Actions” for Compton Unified School District” issued May 4, 1993, as specified.

This bill would require that administrator to implement the recommendations of that report, as specified, and would require the administrator to provide the superintendent with an annual progress report on that implementation. The bill would

require the administrator to retain authority for the operation of the Compton Unified School District until the superintendent makes certain determinations.

The state administrator shall retain authority for the operation of the Compton Unified School District until such time as the Superintendent of Public Instruction determines that the district has met the fiscal requirements of subdivision (e) of Section 41326 of the Education Code, and has made demonstrated academic progress through implementation of the recommendations of the “Report of Priority Corrective Actions for the Compton Unified School District.”

Colorado statutes contain provisions for individual school takeover but not for school district takeover. In addition, Colorado statutes contain provisions for reconstitution.

Colorado (Senate Bill 186 (2000 Regular Session)):

On March 27th, 2000 the state Senate approved Senate Bill 186, a new system to assign letter grades to schools based on state test results using a new system of state report cards. The first report cards will be released on August 15, 2001.

Each public school will receive an academic performance letter grade based on all the relevant test scores. Schools that receive C,D, or F will also get an academic improvement letter grade based on improvement measured by the percentage of one standard deviation over the previous year’s scores. A and B schools will be given an academic improvement rating instead of a letter grade to indicate whether they have made significant improvement, decline or significant decline in school performance. A bell curve distribution will be used in the first year giving 2% of schools and F and 25% of schools a D.

If an “F” schools fails to improve after two years, the school will be chartered as an independent charter school through a process with considerable state involvement. However, the charter is ultimately between the local board and the independent charter.

The Senate Bill authorizes a transportation token program for students in grades 1-8 attending D or F schools and who are eligible for free or reduced lunch. Students may then use the token to pay for transportation to public or private A,B, or C schools in or outside the district.

In addition grants will be offered to the highest performance schools and those that have shown the most improvement. In the first year, all grants will go to A schools; after that 1/3 will go to A schools and 2/3 will go to D and F schools with A academic improvement grades.

House Bill 1219

Finally, all schools could be subject to corrective action (including the loss of their accreditation) from the district. Through the state accreditation process, local school districts develop an accreditation contract, which is an agreement between the State Board of Education and the local board to “manage the accreditation of public schools within such school district, consistent with the standards and goals to be met according to the Accreditation Indicators and State Board Rules and Regulations.

Connecticut statutes allow for takeover of school districts and individual schools as well as for reconstitution.

Connecticut Public Act 99-288 (1999): Requires the State Board of Education prepare a list of schools, by school district, that are “in need of improvement” based on student performance and performance trends on statewide mastery examinations. The intent of the Act 99-288 is to ensure that a process is implemented to improve student achievement in those specific schools in which students have not been demonstrating adequate academic achievement and growth, as demonstrated on the relevant academic tests.

Act 99-288 requires:

- a. Priority schools districts to provide additional instruction to students who fail to meet the statewide standard for remedial assistance on the 4th grade mastery examination beginning with the 2000-01 school year and on the 6th grade mastery examination beginning with 2001-02 school year.
- b. Requires that students attend school the summer following the examination on which they failed to meet the standard, unless exempted by the superintendent based on the student’s progress with the additional instruction.
- c. Provides that priority school districts shall not promote to the next grade students who are required to attend summer school and do not attend summer school.
- d. Requires that by January 1, 2000, and biennially thereafter, superintendents of districts with listed schools are to meet with the Commissioner of Education to discuss the process for improving school performance.
- e. Boards of Education with priority schools to develop and implement an improvement plan and take steps to have the school accredited by the New England Association of Schools and Colleges.
- f. Requires boards of education:
 1. to monitor progress made by a school under an improvement plan and
 2. if a school has not made sufficient progress two years after a plan was approved, to develop a plan to take one or more of the following actions, which may involve the transfer of employees, to improve student achievement:
 - close and reconstitute the school
 - restructure the school in terms of grades included or the programs offered, or both;
 - provide for site-based management; and
 - allow students to attend other public schools in the districtThe Education Commissioner would implement (such plans upon its approval. This law also allows a school district with more than one school on the list to prioritize these schools and develop an implementation timetable for each school-the plan must be approved by the Commissioner.
- g. Requires the establishment of a state grant program for priority school districts for summer school and weekend school programs beginning in 2000-01.

Once the requirements in Connecticut Public Act 99-288 are implemented, districts with listed schools will work with the listed schools to develop and

implement an improvement plan. Districts will also monitor progress made by a school under an improvement plan and if a school has not made sufficient progress two years after a plan was approved, they must develop a plan to take one or more of the following actions, which may involve the transfer of employees, to improve student achievement: 1) close and reconstitute the school; 2) restructure the school in terms of grades included or the programs offered, or both; 3) provide for site-based management; and 4) allow students to attend other public schools in the district.

Special Act 97-4 enacted by the Senate and House of Representative concerning the Hartford Public Schools and school district.

This act declared the Hartford school district in a state of crisis and therefore dissolved the Hartford Board of Education for a period of at least thirty-seven months. The act further called for the creation of a State Board of Trustees for the Hartford Public Schools to be responsible for the governance, management and fiscal operations of the Hartford school district, all in order to increase student achievement, enhance the adequacy and equality of educational opportunities, and allocate and manage resources efficiently and effectively. A new local board of education will be created by election called on by the Governor. Prior to the governor issuing a writ of election the State Board of Trustees, which will be politically appointed, will assume all rights and responsibilities of the Hartford Board of Education.

The State Board of Trustees for the Hartford Public Schools and the Superintendent of Schools shall jointly appoint a seven-member advisory council composed of parents, classroom teachers, school principals and representatives from institutions of higher education. The council shall advise the State Board of Trustees and the superintendent on such matters as curriculum, student achievement, parental and community involvement, and school safety and discipline. The advisory council shall terminate on the date the State Board of Trustees transfers responsibility for the Hartford school district to the newly elected Hartford Board of Education.

The Commissioner of Education shall appoint, within available appropriations, two State monitors for the Hartford school district. The state monitors shall report directly to the Commissioner of Education. The monitors shall consult with and assist the State Board of Trustees for the Hartford Public Schools and the district and securing outside assistance from corporations and universities for meeting such needs.

Florida statutes allow for reconstitution but do not allow for any state takeover of schools or school districts.

Statute Summary (**§229.0535**), Authority to enforce school improvement)- Creates a system of school improvement and accountability that assesses student performance by school, identifies schools in which students are not making adequate progress

toward state standards, institutes appropriate measures for enforcing improvement, and provides rewards and sanctions based on performance shall be the responsibility of the State Board of Education.

The State Board of Education shall intervene in the operation of a district school system when one or more schools in the school district have failed to make adequate progress for 2 years in a 4-year period. Schools are assessed a letter grade yearly. If the school fails to improve beyond an F for two out of four consecutive years, it will be subject to one or more of the following state sanctions:

- Provide additional resources, change certain practices, and provide additional assistance if the state board determines the causes of inadequate progress to be related to school district policy or practices

- Implement a plan that satisfactorily resolves the education equity problems in the school

- Contract for the educational services of the school, or reorganize the school at the end of the school year under a new principal who is authorized to hire new staff and implement a plan that addresses the causes of inadequate progress

- Allow parents of students in the school to send their children to another district school of their choice

- Other action appropriate to improve the school's performance

In recommending actions to school boards, the State Board of Education shall specify the length of time available to implement the recommended action. The state board may adopt rules to further specify how it may respond in specific circumstances. No action taken by the state board shall relieve a school from state accountability requirements.

The State Board of Education is authorized to require the Department of Education of Comptroller to withhold any transfer of state funds to the school district if, within the timeframe specified in state board action, the school district has failed to comply with the action ordered to improve the district's low-performing schools. Withholding the transfer of funds shall occur only after all other recommended actions for school improvement have failed to improve performance. The State Board of Education may invoke the same penalty to any school board that fails to develop and implement a plan for assistance and intervention for low-performing schools as specified §230.23 (16)(c).

Georgia statutes provide provisions for takeover of individual schools as well as reconstitution of individual schools. Georgia does not allow for takeover of whole school districts.

Summary of **House Bill No. 1187** (2000 Regular Session)-Prior to the passing of A(plus) Education Reform Act Georgia had a fairly minimal accountability system. However HB will substantially modify accountability in Georgia, implementing a system of school grades (A through F), based on school performance on statewide assessments and improvement on these assessments. Georgia will have an accreditation system based on the school level.

The State will establish an Office of Education Accountability that will issue annual report cards on all schools in Georgia. Each school will receive two student achievement grades each year. These will be letter grades of A-F on two scales. The first scale will be a grade for a school's performance based on absolute student achievement standards (a compilation of all student test scores for that school). The second scale will be grade for a school's improvement on student achievement from the previous year's school student achievement performance. These two grades will determine the status of the school and determine what level of financial reward is provided to teachers or what level of intervention may be imposed on schools that receive grades of D or F.

The Georgia Department of Education will have school improvement teams made up of master educators, both actively employed and retired, to be assigned to low performing schools to help assess the situation, review school procedures, review the curriculum and staff performance, observe the professional and staff development plan, assist in the development of a student achievement improvement plan and work with the newly created local school council to recommend changes and strategies for improvement. These school improvement teams will be experienced and knowledgeable educators who will provide a focus on the particular problems a school is confronting, and will recommend potential improvement strategies.

After three years of failing grades, particularly on the second grade of student achievement improvement, the State Board of Education can take severe intervention actions. These actions may include appointing a school management team to oversee the daily operation of the school; closing the school and allowing parents of students to choose another school in the district with the district paying the cost of transportation; reconstitution of the school; or opening a state charter school. There will be three years of school improvement team support and assistance before these drastic measures are taken.

Illinois statutes allow for takeover of individual schools and school districts as well as for reconstitution.

Illinois' current accountability system is the Academic Early Warning and Academic Watch lists. (This program is currently being phased out and will be replaced by the Quality Assurance and Improvement Planning, but this system is not yet in effect.)

23 Ill. Adm. Code 1.80:

- a. This amendment allows for schools that are not meeting state goals for learning as specified by ISBE (Illinois State Board of Education) to be placed on 1) an Academic Warning List first and then, 2) on an Academic Watch List if they do not demonstrate significant academic improvement.
- b. Schools that have been identified as level 1 schools for two consecutive years or have demonstrated a significant downward trend in academic achievement for three consecutive years will be placed on the Academic Early Warning List.

- i. Placement on the Academic Early Warning List results in access to quality assurance visits resources and technical assistance through the Illinois statewide system of support based on the specific needs of the individual school.
- ii. Schools that remain on the Academic Early Warning List for two consecutive years and do not demonstrate significant improvement will be placed on the Academic Watch List.
- iii. Placement on the Academic Watch List results in continued access to the assistance for improvement as identified above, and also carries with it strong state intervention over time if the school does not make significant academic progress.

§ 105 ILCS 5/2-3.25f, State Intervention:

- a. If a district or a school remains on the academic watch list for 2 consecutive years, then the State Board of Education shall take one of the following actions:
 1. The State Board of Education (SBE) may authorize the State Superintendent of Education to direct the regional superintendent of schools to remove school board members. Prior to such direction, the SBE shall permit members of the local board of education to present written and oral comments to the SBE. The SBE may direct the State Superintendent of Education to appoint an Independent Authority that shall exercise such powers and duties as may be necessary to operate a school or school district for purposes of improving pupil performance and school improvement.
 2. The SBE may a) nonrecognize the school district or school, or b) may authorize the State Superintendent of Ed. to direct the reassignment of pupils and administrative staff. If a school district is nonrecognized in its entirety, it shall automatically be dissolved on July 1 following that nonrecognition and its territory realigned with another school district or districts by the regional board of school trustees.

§ 105 ILCS 5/34-8.1 et seq.

Any school district in a city with a population over 500,000 that does not meet standards set by the State Board of Education for three consecutive years may be made subject to intervention under this section. Prior to intervention, the Chicago School Reform Board of Trustees shall conduct a public hearing to determine the factors causing the school to perform inadequately.

If the Board of Trustees determines that intervention is necessary, it is required to develop an implementation plan and evaluate each school employee. Upon review of the evaluations, the Board may lay off, reassign or dismiss any employee. The chief educational officer also shall appoint a principal for each school. In no circumstances may the tenure of the principal be greater than two years. The principal shall appoint all certified teachers and other personnel for the school that he deems necessary.

Additionally, each school year, five percent of state funds distributed to the school will be set aside for employee performance incentives. The Board shall prepare a report evaluating the intervention and shall make recommendations concerning special programs and continued intervention. This report is submitted to the State Superintendent of Education and mayor of Chicago.

Iowa statutes allow for takeover of school districts but do not have provisions allowing reconstitution or state takeover of individual schools. However, the Iowa takeover provisions fall under a state accreditation process.

Iowa Code § 256.11 (1999): Requires that the state board establish an accreditation process for school districts and nonpublic schools seeking accreditation. The department shall use a two-phase process. The first phase consists of annual monitoring by the department of education of all accredited schools and school districts for compliance with accreditation standards adopted by the state board of education. This phase requires a comprehensive desk audit of all accredited schools and school districts including review of accreditation compliance forms, accreditation visit reports, as well as reports describing the methods of administration. The second phase requires the use of an accreditation committee, appointed by the director of the department of education, to conduct an on-site visit to an accredited school or school district if any of the following conditions exists:

- a. When either the annual monitoring or the biennial on-site visits of phase I indicates that the school or school district is deficient and fails to be in compliance with accreditation standards.
- b. In response to a petition filed with the director requesting such a committee visitation that is signed by twenty percent or more of the registered voters of the school district.
- c. In response to a petition filed with the director requesting such a committee visitation that is signed by twenty percent or more of the parents or guardians who have children enrolled in the school or school district.
- d. At the discretion of the state board of education.

If a state board determines that a school district or nonpublic school should not remain accredited, the director, in cooperation with the board of directors of the school district, or authorities in charge of the nonpublic school, shall establish a plan prescribing the procedures that must be taken to correct deficiencies and shall establish a deadline date for completion of the procedures. The plan is subject to state board approval and the committee may recommend continued accreditation of the school or school district upon conditions that include, but are not limited to providing temporary oversight authority, operational authority or both. It may also provide oversight and operational authority to the director and state board for some or all aspects of the school district operation, in order to bring the school district into compliance with minimum standards.

If the deficiencies have not been corrected, and the conditional accreditation alternatives contained in the report are not mutually acceptable to the local board and the state board, the state board shall merge the territory of the school district with one

or more contiguous school districts at the end of the school year. Until the merger is completed, and subject to a decision by the state board of education, the school district shall pay tuition for its residents to an accredited school district. However, in Lieu of merger and payment of tuition by a nonaccredited school district, the state board may place a district under receivership for the remainder of the school year. The best interest of the students, parents, residents of the community, teachers, administrators, and board members of the district and the recommendations of the accreditation committee and the director. Takeover of a school or school district shall take effect no later than the end of the school year in which the nonpublic school is declared to be nonaccredited.

Kansas statutes and regulations contain provisions that allow it to reconstitute schools, but do not allow it to take over neither school districts nor individual schools.

Summary of Kansas statutes and regulations (K.S.A. §72-6439, 23 K.A.R. §91-31-16, §91-31-18, §91-31-25--§91-31-30): The accountability system in Kansas is based on a system of accreditation: Quality Performance Accreditation. The major focus of this system is the continual improvement of students' academic performance. The education system is expected to move all schools and all students towards higher levels of performance.

Accreditation Status:

Each school shall be classified as one of the following:

1. a candidate
2. accredited
3. accredited conditionally; or
4. denied accreditation

If a school is granted accredited status, the status shall be effective for five years and the school shall proceed with its next quality performance accreditation improvement cycle. The accreditation status of any school may be extended until the state board determines the school's accreditation status.

If a school is accredited conditionally, the school shall develop and implement a one-year modified improvement plan, which shall be approved by the state board. Following implementation of the one-year modified improvement plan, the state board shall conduct an accreditation visit and shall determine whether the school shall be accredited or denied accreditation.

Schools are deemed unsuccessful in completing the cycle of school improvement by having experienced numerous deficiencies and not having adequately addressed the Kansas State Board of Education criteria which is used to determine a school's accreditation status. Sanctions are applied to a school when it is denied accreditation.

The State Board of Education may apply one or more of the following sanctions to a school denied accreditation:

- Direct that district personnel or resources be reassigned or reallocated within the district by the local board of education.
- Direct that the local board of education hire one or more designated persons to assist the school in making the changes necessary to improve student performance.
- Recommend to the legislature that it approve a reduction in state funding to the local school district by an amount, which shall be added to the local property tax imposed by the local board of education.
- Recommend that the legislature abolish or restructure the local district.
- The state board may recommend other action as deemed appropriate

Kentucky statutes provide for partial or full takeover of school districts and reconstitution of school districts.

KRS § 158.6455

KRS § 158.6455 authorizes the Kentucky Board of Education to establish a formula for a school accountability index, and provides that schools shall be classified in accordance with this index every two years. The formula reflects the goals of the Kentucky school system, which include developing a student's communication, mathematical, and analytical skills, increasing attendance and retention rates, and reducing barriers to learning. Schools will incur a variety of consequences if they fail to meet their improvement threshold under the index. These consequences include a scholastic audit process, school improvement plans, eligibility to receive Commonwealth school improvement funds, education assistance from highly certified staff, evaluation of school personnel, and student transfer to successful schools.

A team consisting of (at least) a highly skilled certified educator, a teacher, a principal, a parent, and a university faculty member conducts the scholastic audit. The goal of the scholastic audit is to evaluate the school's learning environment and efficiency, and to assess the academic performance of the students. The team also evaluates the school district's certified faculty. Based on this assessment, the audit team determines whether the accountability index gave the school district a proper classification. In addition, the statute provides for technical assistance provided by highly skilled certified educators. Educators are permitted to take leave from their place of employment for up to two years to assist another school district's operations.

Further, the statute authorizes the State Board of Education to create a school improvement goal for each school district for the 1998-2000 school years. Schools that achieve their improvement goals are rewarded, and scholastic audit teams will review a school district that fail to meet its objective.

KRS § 158.780

KRS §158.780 authorizes the Kentucky Board of Education to establish programs of voluntary management improvement, and involuntary supervision and assumption of full control of a school district. The voluntary program assists local districts in adopting and implementing innovative and currently accepted management practices. The involuntary program involves intervention on the basis of findings made at an administrative hearing conducted by the Kentucky Board of Education. At the hearing, the board determines whether the school district is “critically lacking managerial efficiency and effectiveness,” and whether the inefficiency warrants the proposed intervention or supervision of school district operations.

Once supervision is in place, if the inefficiency or ineffectiveness is not eliminated, the school district will be declared a “state assisted district” or a “state managed district,” and it will be subject to the guidelines of KRS § 158.785.

KRS § 158.785

KRS § 158.785 authorizes the Kentucky Board of Education to collect data and information regarding the instructional and operational performance of local school districts. When the data indicates the presence of ineffective and inefficient management, the State Board of Education will mandate a managerial audit. Upon review of the audit, the Commissioner may recommend that the school district be declared a “state assisted district” or a “state managed district.” When the Commissioner makes this recommendation, he must show that a pattern of “significant managerial inefficiency and ineffectiveness” exists in the school district and that state intervention is needed to remedy this pattern.

When a school system is designated a “state assisted district,” the Commissioner is required to provide management assistance in developing a corrective plan, and the Department of Education monitors the implementation of the corrective plan to ensure its effectiveness. At any time, the Commissioner may recommend that the school district be declared a “state managed district” if he feels that the corrective plan is inadequate to remedy the deficiencies. If a school district is designated a “state managed district,” the Commissioner will perform all managerial activities previously performed by the local board of education and the superintendent. Further, the Commissioner may remove the superintendent or any board member from office. Each year following the declaration of the “state managed district,” the Commissioner is required to report the district’s progress on implementation of its corrective plan to the State Board of Education. No school district will remain a “state managed district” for a period longer than three years without an extension granted by the State Board.

Louisiana statutes allow for reconstitution but do not have provisions allowing for takeover of school districts or state takeover of individual schools.

Louisiana statute § 17:10.1 (2000): requires a statewide system of accountability for schools and school districts based on student achievement and minimum standards for approval of schools. The program shall include a minimum, clear and appropriate standards for schools and school districts, student achievement baselines, student growth targets, and appropriate minimum rewards and corrective actions, specific intervals for assessment and reassessment of schools and school districts, a review process for evaluating growth targets, and technical assistance.

The Corrective Action Plan consisted of three levels. Level I required all schools falling within the category of Unacceptable to review and either revise or completely revise their plan, with the assistance of a District Assistance Team, and submit it to the Division of School Standards, Accountability, and Assistance. Level II required a "highly Distinguished Educator" (DE) to be assigned to schools by the state to advise and help the school improve student achievement.

The DE is required to make a report and recommendations to the school board for school improvement. Subsequently, the district must publicly respond to the DE's recommendations and parents have the right to transfer their children from any "Academically Unacceptable School" to a higher performing public school. Level III requires that Districts develop a Reconstitution Plan. If while in this level, the school does not achieve at least 40% of its Growth target, and its Reconstruction Plan is not approved, the school shall lose state approval and all state funds.

Schools in Louisiana are identified as low performing based on their School Performance Scores (SPS) and Growth Targets. The SPS incorporates norm-referenced and criterion-referenced test results, attendance rates, and drop out rates, and the Growth Target is the degree of annual improvement a school must achieve in order to reach the state's 10 and 20 year goals.

A school initially enters Corrective Action Levels if it fails to meet the standard SPS and Growth Targets. Subsequent Intensive Corrective Action is taken if the school does not demonstrate adequate growth in a two-year cycle. However, a school exits Corrective Action if it exceeds the minimum SPS required and such a school achieves its growth target.

The state offers the following support to low-performing schools:

- a. District Assistance Teams and other personnel
- b. School Improvement Fund
- c. Effective Practices Resource Guide
- d. Effective Practices Resource Guide
- e. Workshops, conferences and additional means to inform and empower local education agencies to provide professional development for local instructional personnel.

Maryland statutes and regulations contain provisions allowing the state to take over individual schools as well as school districts. In addition, the statutes and regulations allow the state to reconstitute individual schools.

Maryland House Bill 949 (2002 Regular Session) [Prince George's County Public Schools] (Md. Educ. § 3-108.2)

Effective upon adoption of this statute, the Prince George's County Board of Education consists of nine voting members, all of whom must be county residents, appointed by the Governor and County Executive from a list submitted by the State Board of Education. The Board will consist of at least four members with high-level management experience (at least two of whom must have business management experience), at least three members with expertise in education, at least one parent of a current Prince George's County Public School student, and at least one with knowledge or experience in educating children with disabilities. In addition, one student will serve as a non-voting member. The Chief Executive Officer of the Board will oversee administration and management of the district, and report to the Board.

A Parent and Community Advisory Board, appointed by the Chief Executive Officer, will consist of thirteen members, at least seven of whom must be parents of current students in Prince George's County Public Schools. Five members must be appointed from a list submitted by Parent-Teacher Associations, two from a list submitted by the Committee of 100, three from a list submitted by Title I liaisons, and three from a list submitted by other parent and community organizations in the county. The Board of Education and the Chief Executive Officer are required to consult with the Parent and Community Advisory Board on at least a quarterly basis. In developing a master plan for the administration of the school district, improvement of academic performance and a new curriculum, the Chief Executive Officer is required to consult with parents, teachers, students, business representatives and education experts. Further, the master plan will identify the necessary means to create a training program and performance-based staff evaluation system, to increase parental involvement and to include classroom teacher input in the implementation of school reforms.

The State Board of Education and the General Assembly will review the progress of the district in annual reports submitted by the Chief Executive Officer and the County Board of Education, including financial statements and student performance measurements. In addition, an independent auditor will audit the performance of the public school system in the county. The Management Oversight Panel, a separate entity with a composition similar to the County Board of Education (except that a majority of members, rather than all members, must be residents of the district), will help to determine the extent of performance audits and financial audits and will monitor the progress of the audits' recommendations. After completion of the audits, the Management Oversight Panel will report to the Governor, the General Assembly, the County Council, the County Executive and the County Board of Education on the findings,

recommendations and progress of the audit recommendations. The statute also provides for substantial funding for new school construction in Prince George's County.

Maryland Senate Bill 795 (1997) [Baltimore] (Md. Educ. § 3-108.1)

The New Baltimore City Board of School Commissioners ("Board") consists of nine voting members, all of whom must be Baltimore city residents, jointly appointed by the governor and mayor from a list submitted by the State Board of Education. The Board, which assumes the powers and duties of the superintendent and former Board of School Commissioners, consists of at least four members with high-level management experience, at least three members with expertise in education, at least one parent of a current Baltimore city public school student, at least one member with knowledge or experience in educating children with disabilities, and one non-voting member who is a student. The chief executive officer ("CEO"), who is a member of the mayor's cabinet but is employed by the Board, oversees the administration, management and curriculum of the district and appoints a group to research and evaluate reforms and student achievement.

The CEO appoints a fourteen-member parent and community advisory board, of which the majority of members must be parents of current students in Baltimore city public schools. The advisory board consists of five members appointed by the plaintiffs in litigation filed against the school district and nine appointed by the CEO (three from a list submitted by parent-teacher associations, two from a list submitted by "area-based parent networks," two from a list submitted by Title I liaisons, and two by the CEO from other parent and community organizations in Baltimore). The CEO is required to consult with the parent and community advisory board on at least a quarterly basis. In developing a master plan for the administration of the school district and improvement of district academic performance, the CEO may consult with parents, teachers, students, business representatives and education experts.

Further, a master plan for the district identifies improvement measures, including adopting "key recommendations" of specific studies, creating training programs and a performance-based staff evaluation system, and increasing parental involvement.

The State Board of Education, the State Superintendent of Schools and the General Assembly review the progress of the district in annual reports submitted by the CEO and the Board, including financial statements, a progress report and student performance measurements.

§ 7-203: Program of Education Accountability

Indicating that national standardized testing alone is not sufficient to maintain adequate schools, § 7-203 requires the State Board of Education, the State Superintendent of Education, each county board of education, and each public school to develop and implement an education accountability program. These

programs must identify educational goals and objectives, as well as an assessment of need. In addition, each school must survey student achievement in major subject areas, such as reading, writing, and mathematics. Finally, the State Superintendent must report to the governor on school progress and recommend legislative action necessary to enhance education achievement.

Massachusetts statutes and regulations provide provisions for reconstitution of schools, and allow states to take over school districts, but do not allow takeover of individual schools.

Summary of Statutes (Mass. Ann. Laws ch. §1J-§1K, 603 CMR §2.01-§2.04, &Chapter 108 of the Acts of 1989)

In September 1999, the Massachusetts Board of Education adopted a comprehensive School and District Accountability System. This system will be used to assess the effectiveness and monitor the improvement of all public schools and districts, and to hold school and district leaders accountable for that performance and improvement.

Schools with low performance scores on assessment standards that do not meet improving expectations may be referred to a Review Panel for more extensive evaluation. Schools' attendance and dropout rates and improvement trends may be considered in determining which schools may be referred for review. Schools that are referred for review will be required to submit a report to the review panel that will include:

- Additional student performance data, including results desegregated by subgroups, and other standardized assessment data.
- An analysis of the factors that might have had an impact on the school's failure to make progress
- Evidence of the school improvement initiatives enacted in the past 24 months and improvement plans for the coming year
- The panel will also meet with representatives from the school and district and work through questions and answers. The review panel will then provide a report to the Commissioner with a summary of their findings. The Commissioner can then either:
 - Determine that the school is likely to meet the improvement expectations, but put the school on academic warning
 - Declare the school to be under-performing, and appoint an independent fact-finding team to assess the reasons for the under-performance and prospects for improvement. The fact-finding team will conduct a comprehensive on-site inspection of the school and report their findings to the Commissioner and to the district office.

Following the fact-finding process, the school must submit a revised school improvement plan to the State Board of Education for its approval. If the school fails to demonstrate significant improvement as dictated by its plan within 2 years after approval of the plan, the school may be declared chronically under-performing.

Immediately after being declared as chronically under-performing the principal must be removed and the superintendent will designate a new one. (A principal who is removed can be returned to the school the following year only if the Board finds that he/she did not play a significant role in the school's under performance.) The new principal has extraordinary powers including the authority to dismiss teachers and other school staff without adhering to established administrative procedures and collective bargaining agreements. However, teachers with professional teacher status (those who have served for three consecutive years in a district) must be given written notice of the termination decision five days in advance and have appeal rights including arbitration.

In addition, the Commissioner may make additional funds available to increase the salaries of the principal and teachers. Further, if the school does not receive funding from the district at least equal to the average per pupil funding for students of the same classification and grade level in the district, the district must increase funding to the school to bring it at least up to this average. Also, the Board of Education may take other actions reasonably calculated to increase the number of students at the school who satisfy the student performance standards.

Under-Performing District Identification: Every district must develop and implement an annual self-evaluation and district improvement planning process with school staff and community leaders. The State Department of Education will evaluate all districts on a regularly scheduled basis and an on-site evaluation at least once every five years, assessing the level of academic proficiency, trends in drop-out and attendance rates, quality of instruction, facilities, etc. The SDE will create a five-year performance report for the district and make it available to the public and the State Board of Education.

A determination by the SBE, on recommendation of the Commissioner, of one or more serious or widespread deficiencies in the district will constitute evidence of under-performance by the district and trigger the appointment of an independent fact-finding team, similar to that used with schools that are under-performing. Officials of the school district and the responsible municipality(s) will be provided with copies of the fact-finding teams recommendations and conclusions, and copies will be made available to the public.

If the report provided by the fact-finding team uncovers a situation in which SBE determines that inadequate or unsound educational or fiscal practices by a school district are negatively affecting the academic performance of students the SBE may declare the district as chronically under-performing, and a receiver will be designated for the district. The receiver will assume the responsibilities generally provided to the superintendent and report and take direction from the Commissioner.

Michigan statutes allow for state takeover of school districts and individual schools. Michigan does not have a provision for reconstitution of schools.

Michigan Senate Bill 297 (1999), (M.C.L. §§ 380.371 et seq.)

In a “qualifying school district” (one with at least 100,000 students), the mayor establishes a seven-member school reform board consisting of the district superintendent and six others, a majority of whom must be residents of the district and who are appointed by the mayor and serve at his will. Current members of the elected board of education are ineligible for membership on the school reform board. The school reform board assumes all the powers and duties of the board of education and appoints a chief executive officer (“CEO”), who takes on powers including control of expenditures of district funds. The CEO develops and submits a district improvement plan to a five-member school district accountability board, consisting of the superintendent, the State Treasurer, the State Budget Director and two governor-appointed members of the general public, which monitors the district’s progress. The CEO also reports annually to the mayor, the governor, the school district accountability board and the legislature on programs for improvement of district schools, effective methods of improvement, and long-term performance objectives. After five years, the question of whether to retain the services of the CEO and the board is placed on the ballot in the district, and if approved, the school reform board and CEO continue in their respective roles for an additional five years.

Michigan MCL § 380.1280 (2000): Each school district must ensure that each public school within the school district is accredited. A school is accredited when it meets or exceeds state board-approved standards established for 6 areas of school operation: 1) administration and school organization, 2) curricula, 3) staff, 4) school plant and facilities, 5) school and community relations and 6) school improvement plans and student performance.

- a. The department is responsible for developing the proposed accreditation standards. After the department distributes the proposal, statewide hearings are held to gather further testimony about the standards. The revised proposal is then sent to the legislature for final approval. Upon approval, the department is responsible for distributing the standards to all public schools.
- b. The Michigan Educational Assessment Program (MEAP) is the basis for the standards in the accreditation system. The system in place for 1999 places schools in the following categories of accreditation:
 1. Summary: 66% or more of students score at the highest level of achievement on each of the MEAP subjects tested in two of the last three consecutive years.
 2. Interim: 50.1% or more of students score at the highest level of achievement in at least one MEAP subject in any of the last three consecutive years.
 3. Unaccredited: Students did not score at either the summary or interim levels.

c. A school that has been unaccredited for 3 consecutive years is subject to 1 or more of the following measures as determined by the superintendent of public instruction.

1. The superintendent of public instruction or his or her designee shall appoint at the expense of the affected school district an administrator of the school until the school becomes accredited.
2. A parent, legal guardian, or person in loco parentis of a child who attends the school may send his or her child to any accredited public school with an appropriate grade level within the school district.
3. The school, with the approval of the superintendent, shall align itself with an existing research-based school improvement model or establish an affiliation for providing assistance to the school with a college or university located in this state.
4. The school shall be closed.

Mississippi statutes contain provisions allowing the state to take over school districts and individual schools. Mississippi does not provide for reconstitution of schools.

Summary of Mississippi statutes and regulations (Miss. Code Ann. §37-17-6 & CMSR §36-000-069):

Mississippi's system of school district takeover falls within the state's accreditation system. As a result of Senate Bills 2156 and 2488, the state will be moving from a district level accreditation system to a school accreditation model with growth expectations and continued high stakes for student graduation. There will be rewards for high achieving schools and sanctions for schools at risk. The system will still center on a similar multi-level accreditation system, although the emphasis will be place at the school level.

Under Sections 2 and 3 of Senate Bill 2488, no later July 2002, a program of development will be established for schools not meeting accreditation standards. Schools not meeting established growth expectations or grade level proficiency standards will be labeled Priority Schools. Within fifteen (15) days of designation, the SBE (State Board of Education) will properly notify these schools. No more than fifteen (15) days after notification, they will be assigned a trained evaluation team appointed by the State Superintendent. The evaluation team will conduct an on-site audit, prepare a report, and submit report to the State Superintendent within forty-five (45) days for approval. The evaluation report will identify personnel in need of professional development.

Within forty-five days of receipt of the evaluation report, the Priority School must prepare and approve an improvement plan in conjunction with the SDE (State Department of Education), school officials, the evaluation team and parents. The SDE will then provide technical assistance and report monthly to the local board and community.

Principals, teachers and district superintendents would also be held accountable for student performance under the new plan if deemed to be in need of improvement by the state. Those so categorized would be required to participate in a professional development plan. Teachers, superintendents and principals might also be assigned a mentor who has demonstrated expertise through which the staff member would receive support and technical assistance and be able to observe and work with high-performing staff as appropriate.

Principals and teachers will be periodically evaluated and given two years to improve. If after two years the school continues to be a Priority School, the principal will be dismissed. If after two years the teacher has not improved, the teacher will also be dismissed.

If a central office deficiency exists in a school district having a Priority Schools, the superintendent will participate in professional development and be periodically evaluated by the school board. If after three years the school continues to be a Priority School, the SBE may make such a request if more than 50% of the schools in the district are designated Priority Schools in any one year. Upon declaration by the Governor, the superintendent will stand for reelection. If appointed, the superintendent will then stand for reappointment.

If after four years, local school members in the same school circumstances described above for the superintendent will also be subject to recall by a declaration of the Governor. The SBE may also seek emergency declarations by the Governor to initiate the conservatorship provisions.

The SBE will submit a comprehensive annual report to the school district and legislature on the progress of any district assigned an interim conservator. If after three years a school under conservatorship does not show substantial instruction improvement or remains a Priority School, the SBE shall submit to the legislature a plan that includes:

- removal of the conservator, and
- restructuring of the improvement plan through the community and local school administration

This legislation took effect as of July 1, 2000, but the state will not have data to implement the performance/growth model until summer 2002, after the second “live” administration of the new criterion-referenced assessment. That will be the earliest that the state will be able to provide any of the analyses required to identify priority schools. It will not be possible to assign school level accountability ratings in 2000-20001.

Missouri statutes allow for takeover of school districts, but not for individual schools. Missouri also has reconstitution provisions.

Missouri § 160.538 R.S.Mo. (1999):

- a. The State Board of Education (SBE) is responsible for determining which schools in a district are “academically deficient.”
- b. Prior to a decision that a school is academically deficient the SBE shall appoint an audit team to conduct an educational audit.
 1. If the audit team finds that the school is academically deficient then the state board shall declare the school to be academically deficient.
 2. The SBE then appoints a management team to make the appropriate decisions necessary to improve the administration and management of the school. The management reports its findings to the SBE.
 3. After two years, the education audit team will determine if the school is still “academically deficient.” If the audit team concludes that the school is still deficient then the commissioner of education shall order an election in the district for the purpose of recalling the members of the district school board.
 - a) A district board member of a district, which contains a school, declared academically deficient the voters in a recall election may remove deficient.
 - b) A district board of education may suspend indefinite contracts and issue probationary contracts to all certified staff in a school declared academically deficient.
- c. A preliminary definition of “academically deficient” is schools with graduation rates less than 65%.

§ 162.081:

- a. Whenever any school district in this state fails or refuses in any school year to provide for the minimum school term or is classified unaccredited for two successive school years by the state board of education its corporate organization shall lapse.

Nevada statute allows for takeover of individual schools but it does not allow for reconstitution or district takeovers.

Nevada Revised Statute Annotated § 385.386 (2000): requires the board of trustees of an unacceptable or low performing school to prepare a plan for improvement. The state department shall designate a public school as demonstrating need for improvement if:

- a. Less than 60 percent of the pupils enrolled in that school who took the examinations administered received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared; or
- b. The average daily attendance of pupils who are enrolled in the school is less than 90 percent for 3 or more consecutive years based upon the yearly profile of information for the school maintained by the department.

If the department designates a school as demonstrating need for improvement for 2 consecutive years or as having fewer than 90% of eligible students participating in the statewide assessments for 1 year, the department will:

1. place the school on academic probation
2. prepare for that school a plan to:
 - a. improve the achievement of the pupils who are enrolled in the school as measured by the examinations required
 - b. increased the number of pupils who take the examinations required and ensure that all eligible pupils who are in attendance on the day that the examinations are administered are given an opportunity to take the examinations.

A plan prepared and submitted by the department must contain specific information about the school, including, but not limited to, information concerning the administrative operation of the school. The board of trustees of the school district must, until such time as the school is designated as demonstrating exemplary achievement, high achievement or adequate achievement make two reports per year to the state, one at the end of each semester concerning the progress of the school. If a school receives two or more consecutive designations as demonstrating need for improvement, the department will establish a panel to supervise the academic probation of the school. The school may request a waiver of panel supervision of its probation. The waiver may be granted if the yearly profile information for the school maintained by department demonstrates to its satisfaction that the school has significantly improved in each of the immediately preceding 3 years covered by the profile.

Otherwise a panel will:

- a. review the most recent plan prepared by the department for the school or the plan prepared by the board of trustees of the school district
- b. identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement
- c. hold a public meeting to discuss the actions that the school will need to take to warrant receiving a designation of demonstrating exemplary achievement, high achievement or adequate achievement
- d. prepare a report that includes the analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating need for improvement, including issues relating to:
 1. the financial resources of the school;
 2. the administrative and educational personnel of the school;
 3. the curriculum of the school
 4. the school facilities, including the availability and accessibility of educational technology; and
 5. any other factors that the panel believes contributed to the designation of the school as demonstrating need for improvement.

A copy of the report is submitted to the school principal, the board of trustees of the pertinent district, the superintendent of the pertinent district, and the state. The board of trustees of the school district will, until such time as the school receives two consecutive designations of demonstrating exemplary achievement, high achievement or adequate achievement, make two reports, one at the end of each semester, to the state.

A school that receives a designation as demonstrating need for improvement must adopt a program of remedial study that has been adopted by the department and must ensure that each of the pupils enrolled in the school who failed to demonstrate at least adequate achievement on the examinations administered completes remedial study that is determined to be appropriate for the pupil.

The state provides school districts comprehensive lists of whole school reform models and other improvement packages that are "research based" for which they can choose a plan that fits their needs. The state also works with school and district to review plans for improvement. Funding to initiate and operate the school improvement and reform models is provided by the state based on the improvement plans submitted by the schools needing improvement.

New Jersey statutes contain provisions allowing the state to takeover school districts but do not allow takeover of individual schools nor do the statutes allow individual schools to be reconstituted.

Summary of New Jersey Statutes (N.J. Stat. §18A: 7A-14-§18A: 7A-15):

New Jersey's current general educational accountability system is designed to hold districts accountable for school performance and targets interventions accordingly. However, 30 poor and generally low-performance districts in the state which receive additional funding and services from the state, resulting from the State Supreme Court's decisions regarding *Abbot v. Burke* (known as the Abbott Districts) have additional requirements for the state.

Accountability in the state is currently focused at the district level. However, the state has developed rewards for schools that are higher performing. New Jersey has established an Academic Achievement Reward Program with \$10 million awarded annually to schools that attain absolute success in or significant progress toward high student achievement as measured by the state assessment system. Furthermore, the State Department of Education developed a Best Practices/Star Schools Program that provides for monetary awards to schools.

Districts are held accountable by the state through a process of regular monitoring through the county offices of education. The 1988 School Intervention Law created a three-level monitoring process, based on 43 indicators.

Level I: County superintendents monitor districts by conducting desk audits and on-site evaluation visits. The Commissioner recommends the certification status of each school district to the State Board based on this on-site evaluation.

Level II: Districts not certified upon their initial review are subject to the second monitoring level. These failing districts are required to develop a plan to

address their shortcomings-districts progress is monitored every three months, and failure to achieve the stated performance goals would lead to level three monitoring. Those in level II go through an on-site evaluation by the county superintendent to determine compliance with all requirements. The district board of education must report the results of the district monitoring at a public meeting. If the district is placed in Level II, the board must approve the district's corrective action plan. The county superintendent is responsible for informing the district of its monitoring responsibilities.

Level III: This level requires the development of corrective action plans by an external review team. Failure to implement this program could result in a state takeover of the school district.

Districts with schools which continue to fail have also fallen under New Jersey's "academic bankruptcy law," under which a district can be taken over by the state. This has happened in three districts in New Jersey.

State Takeover:

- When a state takeover occurs, the failing district is placed under state control for at least five years. The state can remove the district superintendent and the local board of education and replace them with the state's own appointees.

- Within six months of the state takeover the superintendent must present a corrective action plan and the district is then required to provide annual reports to the state on their progress towards implementing the corrective action plan and on its prospects for return to local control.

- If after five years the state commission cannot recommend return to local control the state may retain control of the district. To facilitate a transition back to local control, during the fourth year of state control the local municipality is allowed to begin electing some of its own board members—the process continues incrementally until full control is again local.

Annual review and evaluation of school districts:

As outlined in New Jersey Administrative Code, Title 6A: Standards and Assessment for Student Achievement, Chapter 8 (adopted April 5, 2000), the Department of Education will review the performance of schools and districts. This review shall take place at each grade level in which statewide assessment are administered.

N.J.A.C. 6:8 requires that a school that fails any section of a student performance assessment must develop an objective to address that failure and an action plan to remedy the situation. At the end of the first year, the county superintendent reviews the school's progress in implementing its plan. The Commissioner of Education is required to direct the district board of education to develop a corrective action plan to address assessment weakness.

After two consecutive years of failure, the Commissioner must assess the district's curriculum and budget and consider that assessment as part of the district's next

annual budget submission. The Commissioner may also contract to perform the assessment and direct the cost to be included in the district's budget.

After three consecutive years of failure, in accordance with N.J.A.C. 6:19-2.3, the Commissioner is required to take corrective actions.

The Office of Program Review and Improvement (OPRI) within the SDE focuses on ensuring accountability and improvement of student achievement in each of the 30 Abbott districts.

New Mexico statutes and regulations contain provisions allowing the state to takeover school districts and individual schools. The statute and regulations allow the state to reconstitute schools.

Summary of New Mexico Statutes and regulations (**N.M. Stat. Ann. §22-2-2 & 6NMAC §3.2.9**): Provides the implementation scheme for the *Standards for Excellence Program*. Districts are rated using the same process and scale as schools, simply aggregating school scores and data to the district level.

All school districts are participating in the *Standards for Excellence* accreditation process. The process requires all districts to:

- Focus on student learning for all students
- Shift from point-in-time evaluation to ongoing evaluation
- Refocus from process evaluation to student performance evaluation, and move from periodic data review to trend analysis and meaningful interpretation of data.

Four Phases of State intervention:

I. **Performance Warning:**

Based on the process used for the New Mexico Accountability Program, schools and districts that are on probationary status during their first year shall be placed on performance warning. The school and district and the Educational Plan for Student Success (EPSS) coordinator are notified of this designation by the state.

II. **School Improvement Designation:**

Schools and districts on performance warning that continue in probationary status after one year are candidates for school improvement because the required adequate yearly progress has not been made (improving from probationary status to acceptable). A hearing before the Educational Standards Commission (ESC) may be requested by the school or district to provide additional data. The ESC will advise the SBE as to its recommendation for the school or district and the SBE formally designate schools and districts in need of improvement. The district superintendent and LEA president will hold a public meeting to explain the rating to the community and collect input on improvement. The school or district will then conduct a needs assessment and create an improvement plan based on the data that demonstrated the school or district to be probationary. The SDE will review the plan and give final

approval or feedback. Once approved the plan is implemented and the school or district is re-evaluated at the end of one year.

III. Second and Third Years of School Improvement Designation:

All school improvement districts and schools will remain in that category for at least two years but no more than three years. Schools are re-evaluated at the end of the second year and their status is determined. If the school or district has made AYP for two consecutive years, it is removed from improvement. If not, they continue for a third year if their status improved to the acceptable level for one of the two years. If not, they are placed in the fourth and final phase, Corrective Action.

IV. Corrective Action:

The SDE submits those schools meeting the criteria for corrective action to the ESC for recommendation. Schools and districts may hold a hearing to provide additional data. The ESC then advises the SBE as to its findings. The SBE then approves a diagnostic team, which will recommend one of the following corrective actions to the state superintendent:

- SDE takes over supervision of the school
- The diagnostic team develops a corrective plan of action
- Budget decisions are reviewed and approved by the SDE
- SDE develops curricula and/or a staff development plan for the school
- Assign school staff to study schools that are “high performing”
- Provides SDE staff to perform functions in the school
- Require the school to offer additional learning opportunities and interventions.

Until AYP is achieved two out of three years, a school or district will remain in corrective action. At any time after one full year has elapsed, the ESC may recommend that the district or school be reconstituted or closed, that staff be replaced or that the structure be reorganized.

New York statutes and regulations allow the state to takeover school districts but not individual schools. In addition New York statutes and regulations allow the state to reconstitute schools.

New York Senate Bill 6617 (2002 Regular Session) [Roosevelt Union Free School District]

This statute authorizes the removal of the members of the Board of Education of the Roosevelt Union Free School District as a result of the district’s failure to meet registration review goals, its poor fiscal management and instability in the administration of the district. Within 30 days of the removal of the Board, the Board of Regents will appoint an interim Board, which will have all of the powers and duties of the previous district Board of Education. The interim Board will consist of

five members, two of whom may be ineligible to vote in the school district. Any person removed pursuant to this act will be ineligible to serve on the interim Board or the elected Board, to which the interim Board will begin to transition after five years.

The interim Board and the superintendent of the Roosevelt Union Free School District will develop a plan, updated and submitted to the Commissioner annually, to improve the educational program for the district with the goal of ensuring the enhancement of academic performance in the schools. The plan will include specific targets for academic improvement, changes in the curriculum, assurances that the instruction is provided by qualified personnel, employee development plans, plans for use of technology in education and actions taken to include and get input from parents and community members. The interim Board will make an annual progress report to the Commissioner, which will include an explanation for any failure to meet the plan's annual goals. In addition, the Commissioner and the interim Board will present the plan to voters and residents of the Roosevelt Union Free School District to explain the plan and any changes made to it.

The Commissioner will retain control over appointments of superintendents and fiscal matters at least until June 30, 2011, with a possible extension to June 30, 2013 if necessary. The interim Board will also develop plans for fiscal and academic improvement. Further, the State will grant six million dollars annually to support academic improvement, and the State will apportion funds for salary expenses of two to four million dollars annually. The Commissioner also has authority to appoint a fiscal administrator who has control over budgeting and will make recommendations to the Board of Education regarding efficiency improvements and financial stabilization.

Summary of statutes and regulations (N.Y. Educ. Law § 2590-h, Assembly Bill 8330, & NYCRR § 100.2):

Under the regulations, after the Commissioner places a school under registration review, the school and the local board of education (in New York City, the New York City Board of Education and any community school board having jurisdiction over the school) will be warned that the school is at risk of losing its registration. This warning will include a clear explanation of the progress that must be demonstrated in order for a school to be removed from consideration for revocation of its registration. Upon receipt of such a warning, the board of education governing the district that operates the school is required to take appropriate action to notify the general public of the warning's issuance. Each school year during which a school remains under registration review, by June 30th or at the time of a student's initial application to a school, the board of education governing the district that operates the school must provide direct notification to the parents or legal guardians of the children who attend that school that the school is at risk of having its registration revoked. Such notification should include a description of any actions being taken to improve the school's performance, as well as an explanation of the options available to parents regarding the possibility of their children attending another school in the district (e.g., magnet programs, transfer policies, school choice programs).

A school placed under registration review is given three full academic years to demonstrate that its students are making adequate academic progress. During these three years the Commissioner will appoint a team to undertake a resource, planning, and program audit of the district and the school. Based on the results of this audit, the Commissioner will also require that the district develop a corrective action plan, and the school under registration review develop a comprehensive education plan. The regulations require that both plans be revised and submitted for approval each year that a school remains under registration review.

If after this period of time the school fails to demonstrate evidence of adequate progress, the Commissioner may recommend to the Board of Regents that the school's registration be revoked and the school be declared an unsound educational environment. Upon approval of revocation of registration by the Board of Regents, the Commissioner must develop a plan to ensure that the educational welfare of the school's students is protected. This plan should specify the instructional program into which pupils that had attended the school will be placed, how their participation in the specified programs will be funded, and the measures that will be taken to ensure that the selected placements appropriately meet the educational needs of the pupils.

District Accountability/Rewards and Sanctions

Accountability in the state is focused at the school level. School districts are, however required to develop Local Assistance Plans if any school has been identified as farthest from meeting state standards.

Rewards for School and Districts

New York has two ways to reward school districts for good student performance. The rewards are (1) greater flexibility with the use of resources and less State oversight and (2) a monetary per pupil award.

North Carolina statutes contain provisions allowing the state to take over individual schools as well as school districts. In addition, the statutes and regulations allow the state to reconstitute individual schools.

Summary of Statutes (N.C. Gen. Stat. § 115C-105.39, §115C-325)

- The ABCs Accountability Model for all schools established growth/gain standards for each elementary, middle, and high school in the state. Schools that attain specified levels of growth/gain are eligible for incentive awards or other recognition. Schools where growth/gain and performance fall below specified levels are designated as low performing. Outcomes are based on end-of-grade and end-of-course test results, and selected other components. To be eligible for incentive awards, schools also must not have excessive exemptions and must test at least 98% of their eligible students in k-8, and at least 95% of students enrolled in specific courses or grades in high school.

- Student Accountability policies focus on state requirements for graduation and local requirements for promotion to the next grade.
- School Accountability measures were implemented as part of the ABCs of Public Education restructuring plan. According to the ABCs, schools are classified into several categories for the purpose of awarding incentives and recognition. The award or recognition a school receives is determined in most cases by the school's attainment as reflective in the growth/gain composites and the performance composition.
- District accountability- a school district in which half of schools are identified as low performing may lose its accreditation and suffer other consequences.
- Schools are identified as low-performing on the basis on their growth/gain composite and performance composite: Low-Performing Schools are those that fail to meet their expected growth/gain standard and have significantly less than 50% of their students performing at or above grade level. The same is used to determine if Title I schools have made adequate yearly progress. However, Title I schools must fail to make adequate yearly progress for two years in order to be placed in school improvement, whereas it is only one year under the ABCs system for schools to possibly be identified as low-performing. Hence, a low-performing school may be assigned an assistance team under the ABCs, but not be in Title I improvement.
- The State Board of Education has the decision with regard to the status of a school (be it low performing, no recognition, or otherwise).
- The State provides these schools and districts with evaluation and planning, financial, and expert assistance. The main types of assistance that are available to low-performing schools are evaluation and planning and expert assistance.
- School/district support teams, regional centers, and distinguished educators provide the state assistance.
- If a school or district makes its expected growth, or has 50% of students at or above grade level, it is no longer considered low performing.
- Every school in the state, regardless of its status, must have a school improvement plan that is approved by the local school board.

Ohio House Bill 269 allows for the takeover of school districts. Ohio does not have reconstitution provisions or takeover for individual schools.

House Bill 269 (1998 Regular Session):

- a. Municipal School District means a school district that is or has ever been under a federal court order requiring supervision and operational, fiscal, and

personnel management of the district by the state superintendent of public instruction.

- b. Whenever the Federal Court releases the School District from supervision, a new board shall be appointed by the Mayor (Mayor of the Municipal Corporation containing the greatest portion of a municipal district's territory), who shall designate one member as the chairperson of the board. The state superintendent shall serve as a nonvoting member for the first two years of the panel's existence, along with eleven persons selected as follows:
 1. Three parents of children attending the schools of the municipal school district.
 2. Three persons appointed by the mayor.
 3. One person appointed by the president of the legislative body of the municipal corporation
 4. One teacher appointed by the collective bargaining representative of the school district's teachers
 5. One principal appointed by the district's principals.
 6. One representative of the business community appointed by a business entity.
 7. One president of a public or private institution of higher education.
- c. The appointed board shall appoint a chief executive officer ("CEO") to manage the school district. The CEO shall develop, execute, and revise, as necessary, a strategic plan to improve student achievement. Additionally, the CEO shall develop a public awareness campaign to inform students, parents, and the community of measures taken and progress made in the school district. Four or more years after this takeover, the mayor may permit voters to determine whether to keep the appointed board or return to an elected board.

School districts are assigned a performance accountability rating based on the number of performance indicators they meet. Ohio law requires any district designated as Continuous Improvement, Academic Watch, or Academic Emergency to develop a three-year Continuous Improvement Plan (CIP). CIPs must include an analysis of why the district is not meeting the standards, a strategy for improving, and resources the district will use to address the problem. At least one public hearing must be held on the CIP before the local board formally adopts it.

Districts that do not achieve satisfactory overall progress for two consecutive years or that fail to submit a CIP to the Department within the required time, are subject to a site evaluation by representatives of the Department. Site evaluations are designed to review the conditions in the district and to determine the district's progress on implementation of its CIP.

Oklahoma statutes allow for reconstitution, district takeovers and takeover of individual schools.

Oklahoma Performance Index 1210.541 (1999): is based on the public reporting of education data, the accreditation of all schools, and the identification of "low

performing" and "high challenge schools. Schools may be identified as either "low performing" or "high challenge" based on norm referenced test scores such as the following:

- a. Delineation of the percentages of students not tested on a criterion-referenced tests;
- b. High school graduation, student attendance, and student drop out rates;
- c. Teacher attendance rates;
- d. Student suspensions and other disciplinary measures which can be quantified;
- e. Secondary student participation in and completion of the Oklahoma Higher Learning Access Program when applicable;
- f. Student vocational-technical program participation and completion rates;
- g. Student college entrance and preparatory test taking rates;
- h. Parental involvement rates; and
- i. Any indicators reported through the Oklahoma Educational Indicators Program.

A school becomes "high challenge" if it is considered "low performing" for three years. Subject to the availability of funds, the State Department of Education shall provide funding to such sites for remediation. The State Board of Education shall assign a team to provide guidance and assistance to the school site and district until the site is no longer declared to be low-performing or high challenge. Other means of intervention which may include but are not necessarily limited to: special funding; reassignment of district personnel; transfer of students; operation of the school by personnel employed by the State Department of Education; mandatory annexation of all or part of the local school district; and placing operation of the school with an institution of higher education.

Senate Bill No. 491 (1999), amending 70 Okl. St. § 1210.542 (1999), requires certain norm-referenced test to be administered until certain time; adding certain contingency for remediation of certain students; delaying implementation of certain criterion-referenced test; requiring certain students to take certain end-of-instruction tests; requiring return of test results in certain format; clarifying reference.

Pennsylvania statutes contain provisions allowing the state to takeover school districts but do not allow takeover of individual schools nor do the statutes allow individual schools to be reconstituted.

Pennsylvania Education Empowerment Act (24 P.S. § 17-1701-B et seq. (2000))

Under this statute, the Department of Education places school districts with a history of poor student test performance on an "Education Empowerment List." Any school district on the list must create an eleven-member "school district empowerment team" consisting of the superintendent, the business manager, one member of the board of school directors, one principal, one teacher, two parents, a local business representative, a local community leader and two members of the general public. In addition, the Department of Education creates an "academic advisory team" of experts to help develop a district improvement plan. The

district improvement plan sets forth performance objectives and strategies for improving educational performance, such as identifying district academic standards, establishing performance goals, making changes to the curriculum and creating a system of parental school choice. The board of school directors submits the plan to the Department of Education and then implements it, with attendant powers to make changes to the allocation of resources and to direct principals, teachers and administrators.

A district on the Education Empowerment List that does not reach its improvement goals and continues to have poor student performance for three years will be taken over by the state. A three-member Board of Control, comprised of the Secretary of Education and two Secretary-appointed residents of the county in which the district is located, will assume all the duties and powers of the board of school directors, and will develop and submit a revised improvement plan, thereby dissolving the academic advisory team and the district empowerment team. The district may be taken off the Education Empowerment List when it satisfies its performance objectives and sufficiently improves test scores. When the district is taken off the list, the board of school directors resumes control.

Senate Bill 652 (2000 Regular Session)

If after three or four years of Advisory Assistance Team assistance in which the school district was unable to improve, a new team led by the Secretary of Education and called a Board of Control, would assume control of the district.

A Board of Control shall be abolished upon certification of the school district as an educational empowerment district. The secretary of education shall appoint a new potentially permanent board, which may include members of the takeover Board of Control. The Board becomes permanent when the district no longer has a history of low test performance and has reached the goals set forth in the school district improvement plan. At that point the Department of Education shall remove the certification as an education empowerment district, except that no certification removal shall be made for a period of at least five years after takeover.

Pennsylvania Act 46 (1998)

Act 46 provides for state takeover of school districts showing signs of financial distress, such as non-payment of teacher salaries for over 90 days, excessive budget deficit or bond payment default. The State also may classify a district as “distressed” if it “has failed or will fail” to comply with this statute, with regulations of the State Board of Education or with standards set by the Secretary of Education. Once a district is classified as distressed, the Secretary of Education appoints a chief executive officer (“CEO”), who, along with a school reform commission (“Commission”), assumes control of all educational and financial aspects of the district. All the powers of the superintendent, as well as other enumerated powers such as the ability to contract with for-profit entities to

assist in operating the district, are vested in the CEO. The Commission consists of five members, three appointed by the governor (two of whom must be residents of the school district), one appointed by the mayor, and the Secretary of Education (or his designee), serving as chairman. The Commission advises the CEO and assumes the powers and duties of the board of school directors for the district. The board of school directors is relegated to a principally advisory role. Upon recommendation by the CEO and agreement of the Commission, the Secretary of Education may dissolve the Commission and terminate the CEO's appointment.

Rhode Island statutes allow for reconstitution, district takeovers and takeover of individual schools and reconstitution.

Rhode Island Student Investment Initiative § 16-7.1-5: requires the adoption of progressive support and intervention strategies for those schools and districts that continue to fall short of performance goals outlined in the district strategic plans. Such strategies will initially focus on:

- a. technical assistance in improvement planning, curriculum alignment, student assessment, instruction, and family and community involvement;
- b. policy support; and
- c. creating supportive partnerships with education institutions, business, governmental or other appropriate nonprofit agencies.

The following criteria identify low performing schools:

- a. whether or not a school is improving student learning, specifically whether it is achieving its targets for improving students performance
- b. the magnitude of the percentage of students below standard in mathematics, English, language arts and writing
- c. The magnitude of discrepancies of achievement levels between groups of students, and
- d. whether the students in a school perform at, above or below the level of similar students in the state.

According to Article 31 if after a three-year period of support strategies there has not been improvement in the education of students, then there shall be progressive levels of control by the Rhode Island Department of Education over the school and/or district budget, program, and/or personnel. Such control may be exercised in collaboration with the school district and the municipality. If further needed, the school shall be reconstituted. Such reconstitution responsibility has been delegated to the Board of Regents and may range from restructuring the school's governance, budget, program, personnel, and/or may include decisions regarding the continued operation of the school. If a school or school district is under the Board of Regent's control as a result of actions taken by the Board pursuant to this section, the local school committee shall be responsible for funding that school or school district at the same level as in the prior academic year increased by the same percentage as the state total of school aid is increased.

South Carolina statutes allow for takeover of individual schools and districts. South Carolina also has reconstitution provisions.

S.C. Act 400: South Carolina Education Accountability Act of 1998

Repealing § 59-18-30, the previous school accountability law, South Carolina Act 400 establishes a school district rating system with five performance levels (excellent, good, average, below average and unsatisfactory) and provides a roadmap for school districts rated “below average” to improve their ratings.

The Act requires the State Board of Education to develop regulations providing that each district board of trustees shall establish, and annually review, school performance objectives for accountability purposes. Parents, teachers, and principals are among those required to be involved in this process. In addition, the State Department of Education is required to provide technical assistance and support to any school district requesting assistance in the development of an accountability plan, and it must review accountability plans to ensure workability.

To assist a below-average or unsatisfactory school district to improve student performance, the Act requires faculty, with the leadership of principals, to engage in continued professional development and personal improvement. Teachers and principals must devise a plan of action (subject to district superintendent and local board of trustee review) to identify activities to improve student performance and must inform parents of these measures.

Additionally, the Act provides a monetary incentive system, for recruitment of qualified teachers, principals, teacher specialists, and retired educators to work in below average schools. The State Board of Education is required to establish a grant program to benefit below average schools, and to create a separate public school assistance fund for poorly performing schools.

The state superintendent, with the approval of the State Board of Education, is authorized to appoint an external review committee for a district rated below average, to examine all facets of the school district; consult with parents, community members, and staff on the state of the district’s schools; recommend personnel changes; identify factors contributing to the district’s low rating, as well as strengths and weaknesses; and identify long-term needs. The external review committee continues to report on the school district’s progress for four years. However, if recommendations are unsatisfactorily implemented by the district, the district superintendent and members of the board of trustees must appear before the State Board of Education to show why a state of emergency should not be called. After a hearing, the state superintendent may continue providing technical assistance, or he may declare a state of emergency and replace the principal or assume management of the school district.

Similarly, if the school district is not improving or adhering to deadlines, the district superintendent and members of the board of trustees again must appear before the State Board of Education to defend its actions. After testimony, the state superintendent, with the approval of the State Board of Education, may continue providing technical assistance, or he may recommend to the governor that the office of superintendent be considered vacant and a replacement appointed.

S.C. Code Regs. 43-300 (2000) (Accreditation Criteria):

- a. Each school district shall provide a defined minimum educational program approved by the SBE.
- b. SBE Approval Procedures: A school district shall obtain approval for its educational program to be accredited by the Board by one of the following procedures:
 1. Meet the criteria prescribed by the Board in the “Defined Minimum Program for South Carolina Districts.”
 2. Submit a contract to the SBE for approval of variations from the prescribed minimum program.
- d. Each school district shall apply for accreditation to the SBE on or before Oct. 15 as follows. The SBE will send back a preliminary analysis with one of the following accreditation classifications:
 1. All Clear- indicates that a district meets the standards prescribed by the SBE for a defined minimum program.
 2. Advised- indicates that a district is not meeting all prescribed standards but the deficiencies may be easily corrected.
 3. Warned- indicates that a district is failing to meet one or more of the accreditation standards.
 4. Probation- indicates that serious deficiencies exist and the district will lose its accreditation unless satisfactory progress is made toward the removal of the deficiencies before the next school year.
 5. Dropped- indicates that the district’s program has experienced serious problems. If the accreditation of a high school is dropped, that school cannot issue State high school diplomas subsequent to the school year in which the accreditation is dropped. Schools, which have been classified as Dropped, shall not be eligible for funding in the following fiscal year until an acceptable plan to eliminate the deficiencies is submitted and approved by the SBE.

S.C. Code Regs. 43-301 (Intervention Where Quality of Education in a Local School District is Impaired):

- a. School districts are required to satisfy 2/3 of the minimum criteria standards established for Basic Skills Assessment Program (BSAP) and South Carolina Norm-Referenced Testing Program (SCNRT).
- b. Schools that fail to meet the minimum criteria standards shall be designated as “highest priority” for technical assistance. If a highest priority school district does not satisfactorily implement the recommendations of the State

Department of Education within an allotted six month time period, the State Superintendent of Education with SBE may:

1. Furnish continuing advice and technical assistance
2. Declare a state of emergency in the school district. A joint meeting will be held between the Education Committees of the House and Senate for presentation of evidence. If a majority of the Committee members concur with the finding of a state of emergency, the State Superintendent of Education may cause state funds for any or all programs to be escrowed for the duration of the emergency with the understanding that he may thereafter release funds from escrow for any program which he determines to have been restored to standard even though the state of emergency may not as yet be terminated for the district as a whole.
 - a) When State Department of Education determines that the corrective measures have been met, a joint meeting of Committee members shall request cessation of the state of emergency.
3. Recommend to the Governor that the office of superintendent be declared vacant. The governor may thereupon so declare after which the State Superintendent may furnish an interim replacement until the vacancy is filled by the board of trustees.

Tennessee statutes contain provisions allowing the state to takeover school districts but do not allow takeover of individual schools nor do the statutes allow individual schools to be reconstituted.

Summary of Tennessee statutes (Tenn. Code Ann. §49-1-601 & §49-1—602):

There shall be performance goals for each school district which shall include, but not be limited to, determinations based on the current status of each local school as determined through the value added assessment provided in §49-1-603---§49-1-608. If school districts do not have mean rates of gain equal to or greater than the national norms based upon the TCAP (academic assessment tests), each school district is expected to make statistically significant progress toward that goal. The rate of progress within each grade and academic course, necessary to maintain compliance with this title will be established after two years of consecutive testing with tests adopted for each grade and subject. Schools or school districts, which do not achieve the required rate of progress, may be placed on probation as provided in this title.

There is a rebuttal presumption that if a school or school district has not achieved the goals pursuant to this statute or maintained attendance and dropout rates pursuant to this statute, it is therefore out of compliance with the requirements of this statute and subject to sanction.

With the approval of the state board of education, the commissioner may place on notice for one year or on probation any local school system or school that fails to meet the rules and regulations of the state board or the performance standards authorized by this title.

While a school or system is on probation, the commissioner may restrict the discretionary powers of the director of schools or of the local board of education to ensure implementation of the recommendations from the joint study. If during the first or second year that a system or school is on probation the system meets or exceeds the performance standards, the commissioner will cancel the probationary status. If after two consecutive years a system remains on probation, the commissioner is authorized to recommend to the state board that both the local board of education and the superintendent be removed from office.

If the state board of concurs with the recommendation, the commissioner shall order the removal of some or all of the board members and /or superintendent and shall declare a vacancy in the office or offices. Vacancies on the board shall be filled by the local legislative body until the next general election for which candidates have time, under law, to qualify and the candidate so elected qualifies to hold the office as provided by law or for the remainder of the term if no such election occurs during the remainder of the term.

If the entire board of a school district is removed, the commissioner shall appoint three responsible citizens of the district to serve on the board, and they shall be authorized to appoint persons to fill the remaining vacancies. Any person selected to fill a vacancy shall serve the remainder of the term. Vacancies in the office of school superintendent are filled in accordance with the provisions of law. Any superintendent or board member removed under this section is ineligible for election or appointment to such office for the remainder of such person's term and for one full term thereafter.

Texas statutes allow for reconstitution, district takeovers and takeover of individual schools.

Texas Education Code § 39.131 (2000): provides that if a district does not satisfy the accreditation criteria, the commissioner shall take any of the following actions, in order of severity:

1. issue a notice of the deficiency to the board of trustees;
2. order a hearing conducted by the board of trustees in order to inform the public of the districts unacceptable performance as well as the expected improvements in performance and the sanctions that may be imposed if there is failure to improve;
3. appointment of a special intervention team to conduct an on site evaluation of the school to determine the cause for low performance, recommend actions, assist in the development of a CIP and to assist in the monitoring of the school;
4. appointment of a board of managers from residents in the district to act as the board, and
5. an order to close the school.

Schools are held accountable for student performance, attendance and drop out rate. These indicators must meet acceptable standards as determined by the applicable measurement systems.

Students may request transfer to another school or district if low performance persists.

Once a school or district is identified as Unacceptable/Low Performing it shall receive assistance in areas such as data analysis, identification of problems, information about promising practices and curriculum alignment.

Vermont statutes allow for takeover of individual schools as well as for reconstitution. Vermont does not have provisions allowing state takeover of whole school district.

Summary of Statute (16 V.S.A. § 165): Standards of quality for public schools; equal education opportunities, requires that;

- A. In order to carry out Vermont's policy that all Vermont children will be afforded educational opportunities which are substantially equal in quality, each Vermont public school, including each technical center, shall meet the following school quality standards:
 - 1. The school shall, through a process including parents, teachers, students and community members, develop, implement, and annually update a comprehension action plan to improve student performance within the school.
 - 2. The school, at least annually, reports student performance results to community members in a format selected by the school board.
 - 3. The school substantially meets standards adopted by rule of the state board regarding conditions, practices and resources of schools.
 - 4. The school shall provide for and the staff shall use needs-based professional development designed to improve the equality of education provided to the students and directly connected to standards for student performance goals established by the state and any other educational performance goals established by the school board.
 - 5. The school uses staff evaluation to advance educational performance objectives.
 - 6. The school ensures that students receive appropriate career counseling and program information regarding the availability of education and apprenticeship program offering at technical centers.
 - 7. The school ensures that students are furnished educational services in accordance with any state or federal entitlements and in a nondiscriminatory manner.
 - 8. The school maintains a safe, orderly, civil and positive learning environment.
- B. Every two years, the commissioner shall determine whether students in each Vermont public school are provided educational opportunities substantially equal to those provided in other public schools. If the commissioner determines that a school is not meeting the quality standards listed in subsection (a) of this section or that the school is making insufficient progress in improving student performance in relation to the standards for student performance student set forth in subdivision 164(9) of this title, he or she shall describe in writing action that a

district must take in order to meet either or both sets of standards and shall provide technical assistance to the school. If the school fails to meet the standards or make sufficient progress by the end of the next two-year period, the commissioner shall recommend to the state board one or more of the following actions:

- 1) continue technical assistance,
 - 2) adjust supervisory union boundaries or responsibilities of superintendency,
 - 3) assume administrative control only to the extent necessary to correct deficiencies,
 - 4) close of school and require that the school district pay tuition to another public school or an approved independent school.
- C. The state board shall dismiss the commissioner's recommendation or order that one or more of the actions are taken.
- D. Nothing herein shall be construed to entitle any student to educational programs or services identical to those received by students in the same or any other school district.
- E. If the commissioner determines at any time that the failure of a school to meet the school quality standards potentially results in physical or emotional harm to students or significant deprivation of equal education opportunities, and the school has either unreasonably refused to remedy the problem or its efforts have proved ineffective, he or she may recommend to the state board one or more of the actions listed.

West Virginia statutes contain provisions allowing the state to takeover school districts but do not allow takeover of individual schools nor do the statutes allow individual schools to be reconstituted.

Summary of West Virginia statute (W.Va. Code §18-2E-5)

West Virginia has a four-tier accreditation system for schools based on performance audits and random on-site visits. Whenever a school is found to be seriously impaired, the West Virginia Board of Education will appoint a team of improvement consultants to make recommendations. The district accountability system is also a four-tier plan in which a state of emergency may be declared and a team of improvement consultants appointed. Continued failure may result in more intrusive measures.

ALPHABETICAL REPORT OF THE 19 STATES WITHOUT TAKEOVER OR RECONSTITUTION PROVISIONS

Alaska

Alaska does not have a takeover or reconstitution statute. On the school level, the state has a system of school accreditation. See 4 Alaska Admin. Code § 04.300. At present, participation in accreditation is voluntary for public and private elementary and secondary schools, and there is no sanction for failing to meet the accreditation standards at the present time. The accountability system is based on accreditation and state monitoring and includes no method of measuring growth. Also, the state monitoring for compliance system ensures accountability through control of funding and enforcement of state regulations. Beginning in 2002, substantial changes to the Alaska system of accountability are expected.

Arizona

Arizona does not have a takeover or reconstitution statute. The state does require public reporting at the school and district levels. There are no rewards or consequences for school districts beyond the “public shame.” Arizona Revised Statutes § 15-241 mandates that the State Department of Education compile a profile of each public school consisting of standards scores and passage rates, yearly progress data, and dropout rates. Schools that do not produce acceptable progress in each area are deemed underperforming schools. Residents are notified which schools in their district are underperforming schools and the governing board creates an improvement plan for the schools. Schools that remain underperforming schools are designated as failing schools. In addition to reporting failing schools on the school report card, the superintendent assigns an instructional trouble solutions team to failing schools or students may select an alternative tutoring program from a certified provider. Similar to underperforming schools, residents are notified which schools in their district are failing schools and the governing board creates an improvement plan for the schools.

Delaware

Delaware does not have a takeover or reconstitution statute. The Educational Accountability Act of 1998 implemented a system of accountability based on high stakes testing of students. See Del. Code Ann. title 14, § 151. Depending on test performance in grades 3, 5, and 8, a student may be retained or have to attend summer school and retake the test or have an Individual Improvement Plan (IIP) developed and implemented by parents and school staff. Additionally, to graduate students must meet the standards of a combined score in reading, writing, and math in order to graduate beginning with the class of 2002.

Test scores also provide the basis for a system of school and district accreditation. Schools are ranked after at least two years of base line data concerning absolute performance of students, improvement performance, and the improvement performance of those on performing on the lower levels of the assessments. Schools are ranked as Superior-Accredited, Accredited, Accreditation Watch, and Non-Accredited. If a school fails to meet state accreditation standards, it is placed on “watch” and must develop a school improvement plan subject to the approval of the school’s local board of education. See Del. Code Ann. title 14, § 154. If a school is non-accredited for two years, the

Secretary of Education may investigate and make recommendations to the legislature and local board of education. Such recommendations can include leadership change and merger with adjacent districts. A similar accreditation system is in place at the district level. See Del. Code Ann. title 14, § 155.

Hawaii

Hawaii does not have a takeover or reconstitution statute. The public school system is already under the jurisdiction of the state government. In 1999, Hawaii passed legislation mandating the Department of Education to create an accountability system. Hawaii Revised Statutes Annotated § 302A-1004 enumerates what the accountability system should include. Some of these provisions are student, school and individual professional accountability; consequences, school report cards, and many others. Beginning with the 2001-2002 school year, the Department of Education will submit to the legislature, the governor and the board of education a report with the specifics of the design of the comprehensive accountability system, fiscal requirements and legislative actions necessary to create the accountability system.

Idaho

Idaho does not have a takeover or reconstitution statute. The accountability system is based on accreditation. Schools have to submit annual reports to the State Department of Education.

Indiana

Indiana does not have a takeover or reconstitution statute. The Indiana General Assembly recently enacted a K-12 accountability statute that goes into effect on July 1, 2001. The law requires schools to develop three-year strategic and continuous school improvement and achievement plans that address student achievement and school performance.

All public schools will be evaluated as to whether they are meeting performance objectives on a number of primary and secondary performance indicators. All schools will then be placed in categories of performance, ranging from high performing to high priority. If a school remains in the lowest categories of performance for five years, the consequences include a high level of state intervention. The Indiana State Board of Education is in the process of promulgating rules to provide implementation guidance to school districts.

The Indiana General Assembly enacted a new state K-12 accountability law in 1999. The legislation is called House Enrolled Act 1750/Public Law 221-1999. Implementation of this law begins on July 1, of this year.

In general, this law requires schools to develop three year school improvement plans that address student achievement and school performance. All public schools will be evaluated as to whether they are meeting performance objectives on a number of primary and secondary performance indicators. All schools will then be placed in categories of performance, ranging from high performing to high priority. If a school remains in the lowest categories of performance for five years, the consequences include a high level of state intervention. The Indiana State Board of Education is in the process of promulgating rules to provide implementation guidance to school districts.

Maine

Maine does not have a takeover or reconstitution statute. The accountability system is based on public reporting. In addition, each school is required to submit a school improvement plan to the state.

Minnesota

Minnesota does not have a takeover or reconstitution statute. Districts are only accountable for performance on the Minnesota Comprehensive Assessment and the Profiles of Learning through public reporting.

Montana

Montana does not have a takeover or reconstitution statute. The accountability system is based on accreditation. The Office of Public Instruction monitors public school districts for compliance with standards of accreditation (Title 20, chapter 7, part 1 of the Montana Codes). The Montana Board of Public Education establishes accreditation status of public school districts. The board of public education has the authority to withhold funding when a school district fails to maintain accredited status (20-9-344, Montana Code Annotated).

Nebraska

Nebraska does not have a takeover or reconstitution statute. The state only holds schools or districts accountable through public reporting and a comprehensive accreditation review process. Schools that do not fulfill the conditions of accreditation may be subject to termination of the legal operation of the school district during the school year. Also, violations may be assessed against a school that does not comply with the regulations which if not corrected may result in probation or loss of accreditation.

Nebraska passed the Quality Education Accountability Act providing education incentive payments to local systems that meet the quality factors enumerated in the statute. The primary quality factors include: the adoption of academic standards equal to or more rigorous than the ones promulgated by the State Department of Education; an alternative school, class or education program for expelled students, at least 60% of graduating seniors taking a college admissions test; and an aggregate test score on college admissions test above the statewide aggregate average test score. The statute also enumerates premier quality factors that do not apply until the third year a local system qualifies for quality education incentives.

New Hampshire

New Hampshire does not have a takeover or reconstitution statute. The state does not have a high stakes accountability system with rewards and sanctions, nor has it developed performance levels for schools. The state does not hold students accountable for performance on the state assessment systems. Schools and districts are only subject to a two-tier system of accountability. See N.H. Rev. Stat. Ann. § 193-C. Initially, the state collects student achievement information through the School Performance Reporting System. The data is then used to facilitate the development of School Improvement Plans to increase academic achievement.

North Dakota

North Dakota does not have a takeover or reconstitution statute. The accountability system is based the North Dakota Education Improvement Process, an accreditation/improvement process.

Oregon

Oregon does not have a takeover or reconstitution statute. The state measures academic performance through testing using the Oregon Statewide Assessments. There is no student sanction for failure to meet the performance standards of the Assessments. Oregon, however, has adopted a “certificate” program. At various grade levels, students are awarded with certificates of achievement for meeting state performance standards. Schools are subject to the State’s Performance Rating System. The system is based on student test performance, attendance, and dropout rates. Additionally, improvement in any of these areas is taken into consideration. Schools that receive either a low or unacceptable rating must develop and implement a school improvement plan. Accountability is based on the school level and has no rewards or sanctions other than reporting.

Oregon operates on a report card system, which reports to the community how the districts are doing on a variety of fronts. A team of specialists is mandated to work with the schools rated as “very low” and schools/districts that are very low performing are afforded additional funding.

South Dakota

South Dakota does not have a takeover or reconstitution statute. At the present time, other than public reporting of data, South Dakota does not have any other accountability system that calls for sanctions and/or rewards based on school performance. There is a possibility of this in the future. Accreditation is based on schools complying with minimum statutory requirements, which include compliance with school calendar, staffing, and course offerings. There are no requirements for student achievement or academic processes, nor are schools required to submit any plans. If a student does not maintain accreditation, then the school may lose state education funding, federal program assistance, and school lunch commodities. There are no student accountability measures in place. Nor are there district accountability measures in place.

Utah

Utah has no specific statute that would allow the state to takeover a particular school district or school for any reason. Utah does have a statute that would allow the State Board of Education to interrupt disbursements of state aid to any district that fails to comply with rules adopted by the Board of Education. (Utah Code 53A-1-401(3)).

While there is no student accountability system in place at the present time, Utah is in the process of developing a high school exam to be taken in the 10th grade, which must be passed in order to receive a diploma. Utah is involved in the accreditation program of the Northwest Association of Schools and Colleges. This accreditation program categorizes schools as Approved, Approved with Comment, Advised, Warned, and then Dropped after two consecutive Warned classifications. The criteria used is the

education program, student personnel services, school plant and equipment, library media program, records, school improvement, preparation of personnel, administration, teacher load, and student accountability. District accountability is done by reporting, but there is no system of accreditation or identifying low performing schools. At the moment, Utah is in the process of developing a new system of accountability.

Virginia

In Virginia, the state does not have the authority to take over local school divisions (districts) or to intervene in their operation. The Constitution of Virginia and state law make the operation of public schools the responsibility of local school boards in the various cities and counties (separate political jurisdictions in Virginia).

Local school boards are required, by law, to maintain schools that are accredited in accordance with standards promulgated by the state Board of Education (see Section 22.1-253.13:3.F of the document entitled Standards of Quality found at <http://www.pen.k12.va.us/VDOE/suptsmemos/2000/inf184a.pdf>).

If a school board fails to comply with the standards, the only action available to the Board of Education to enforce the Standards of Quality is found in the provisions of Section 22.1-253.13:8 of those standards (also found in the document linked above).

Washington

Washington does not have a takeover or reconstitution statute. Students must receive a Certificate of Mastery, which shows she has met the standards set for Grade 10 assessments. The Academic Achievement and Accountability Commission, which met for the first time in the summer of 1999, provides development and oversight of the education accountability system, which includes the schools and districts. The Northwest Association of Schools and Colleges and the State Board of Education already accredits the schools using process and input measures. Though school accreditation is voluntary, schools must complete a self-study every seven years. Other than reporting, districts are not held accountable or provided with rewards or sanctions.

Wisconsin

Wisconsin does not have a takeover or reconstitution statute. While there is no student accountability in place at the present, beginning in 2002 students will be required to pass tests in order to graduate and be promoted. The Continuous Progress Index, which examines the movement of students out of the lowest performing category, the increase of students in "Proficient", and the number of students not tested, is used to determine the annual expected progress. There are no district accountability systems in place.

Wyoming

Wyoming does not have a takeover or reconstitution statute. At the present time there are no high stakes testing or other form of student accountability. Over the next five years, students will be required to demonstrate proficiency in English, math, science, social studies, foreign language, health/PE, vocational/career and fine and performing arts in order to graduate from high school. Accountability is based on district, not school. Most schools are accredited through North Central Association.

District accreditation is based on eight components – student performance standards, measure of standards, school improvement, parent/community involvement, staff development, at-risk student status, school climate assessment, facilities and budget. Assessment is based on self-evaluation with scoring guides and on-site evaluations by accreditation teams. Districts and schools will be given an accreditation level – Full Accreditation, Conditional Accreditation, Non-Accreditation, and Exemption – annually.